

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION STAFF REPORT**

June 7, 2012 Meeting  
Agenda Item 2

**SUBJECT:** Cornerstone Securities Residential Addition - (PA2012-027)  
▪ Variance Permit No. VA2012-001

**SITE LOCATION:** 245 Evening Canyon Road

**APPLICANT:** Daniel Kashani

**PLANNER:** Makana Nova, Assistant Planner  
(949) 644-3249, mnova@newportbeachca.gov

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**PROJECT SUMMARY**

A request for a variance to allow a 2,000-square-foot addition to an existing 2,757-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. A variance is requested to allow a 73 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence.

The public notice included a request for a modification permit to allow two garage parking spaces and two driveway parking spaces where three garage spaces are required because the proposed gross floor area exceeds 4,000 square feet. However, this request has been withdrawn by the applicant and the plans have been modified to include three enclosed parking spaces, which complies with the Zoning Code parking requirement.

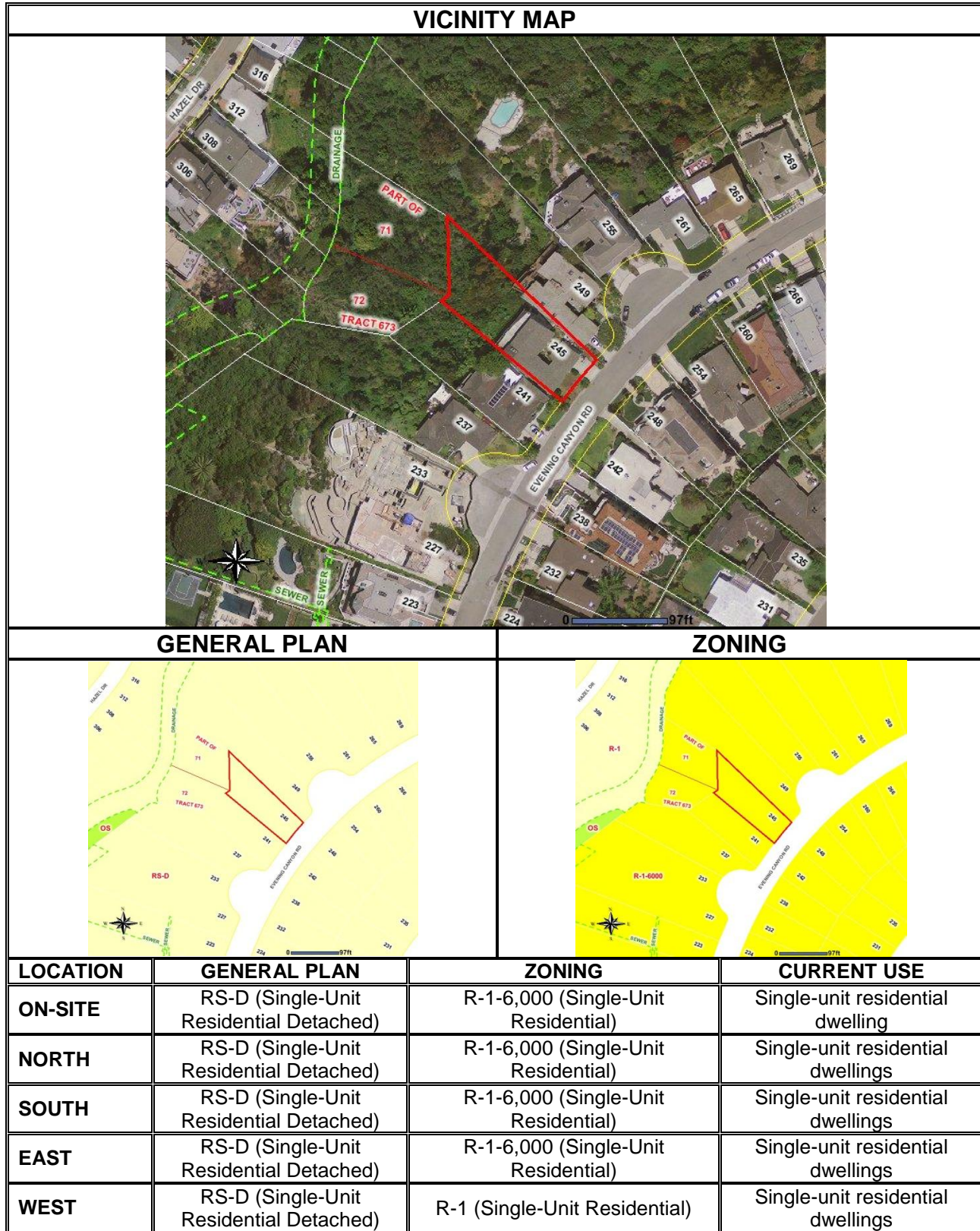
**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ approving Variance Permit No. VA2012-001 (Attachment No. PC 1).

**INTRODUCTION**

The subject property is located within the Shore Cliff single-family neighborhood on Evening Canyon Road adjacent to Buck Gully. The neighborhood is characterized by single-story and two-story structures where the adjacent properties are currently single-story. The property is 11,033 square feet (approximately 0.25 acres) in area, and slopes downward from Evening Canyon Road into Buck Gully. The property is developed with a 2,757-square-foot single-family residence with decks adjacent to Buck Gully.







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### Project Description

The proposed project includes a first floor addition of 460 square feet that will connect the detached garage with the residence. A third tandem parking space will also be added to the existing two-car garage. The project also includes a 1,540-square-foot second story addition that would project a maximum of 11 inches into the southwesterly side yard setback, in-line with the existing nonconforming residence. The second floor addition consists of a new master suite, bedroom, playroom, and a deck area that will face Buck Gully. The second story addition complies with the 24-foot height limit for flat roof structures and the 29-foot height limit for sloped roofs.

### Background

On January 24, 1946, Ordinance No. 542 was adopted that annexed the land easterly of and adjacent to Corona Del Mar into the R-1-B zoning district within the City of Newport Beach. The ordinance established side yard setbacks equal to 10 percent of the lot width, resulting in side yard setbacks between three feet and six feet throughout the tract.

On May 2, 1946, the Shore Cliffs tract map was recorded that consisted of 142 single-family residential properties. The tract was developed by a single developer in the early 1950's with two-car attached garages.

On June 26, 1953, building permits were finalized for the construction of a single-family dwelling and garage on the subject property with side yard setbacks ranging between five and six feet.

On April 21, 1958, Ordinance No. 845 was adopted to update the development standards of the R-1-B zone and identified 6-foot side yard setbacks for this zone. Thus, many structures within Shore Cliff, including the subject property, are nonconforming because the Zoning Code currently requires 6-foot side yard setbacks where the tract was developed with narrower side yards dependant on the lot width.

On April 21, 2008, a 667-square-foot addition to the existing residence was permitted along with a new rotunda and deck. A provision of the R-1-B zoning at this time allowed additions to be developed in-line with the existing structures.

Adoption of the 2010 Zoning Code eliminated the provision allowing additions to be constructed in-line with existing nonconforming setbacks.



## **DISCUSSION**

### **General Plan/Coastal Land Use Plan/Zoning**

The site is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located in the R-1-6,000 (Single-Unit Residential) zoning district. The single-family residence is a permitted use under the General Plan land use designation and zoning district. The proposed addition requires the approval of a variance to comply with the development standards of the R-1-6,000 zoning district.

Additionally, the site is located within the RSD-A (Single-Unit Residential Detached) land use category of the Local Coastal Program, Coastal Land Use Plan. Since the proposed residence will not exceed 1.5 times the buildable area of the lot and provides the minimum two parking spaces, it is exempt from Coastal Commission review, unless called for review pursuant to the Categorical Exclusion Order.

### **Variance**

A variance is a request to waive or modify certain standards when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A variance can only be granted to maintain parity between the variance site and nearby properties in the same zoning district. To do otherwise would constitute a grant of special privileges that are inconsistent with the limitations upon other properties.

Section 20.52.090.F (Variances, Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance to allow the structure to be constructed with a left side yard setback of 5 feet 1 inch, where a 6-foot setback is required and to allow a 73 percent addition where the Code limits additions to nonconforming structures to 50 percent:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*
- B. *That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*
- C. *That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*



- D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*
- E. That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*
- F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

The principal purpose of setback standards is to provide adequate separation of buildings for light, access and ventilation. A minimum 5-foot 1-inch setback will be provided where the existing nonconforming condition occurs.

The existing lot and other lots in the subdivision were developed in the early 1950's with side yard setbacks that are less than the required six feet. The side yard setbacks for the R-1-6,000 zoning designation were later changed to six feet. Under the provisions of the former Zoning Code, additions to non-conforming structures in the R-1-6,000 zone were allowed to be constructed in-line with the existing structures. Numerous additions in the Shore Cliff community have been constructed under this standard. Research of the building permit and plan history for properties along Evening Canyon Drive is provided in Attachment No. PC 3. The research conducted demonstrates that:

- Nine out of 32 (28%) of the properties along this street have plans on file that confirm the existing structures have nonconforming side yard setbacks of less than 6 feet.
- 11 out of 32 (34%) of the properties do not have plan history available and were likely developed as a part of the original subdivision, that did not require 6-foot side yard setbacks.
- 12 out of 32 (38%) of the properties have been significantly remodeled or redeveloped and plans on file demonstrate compliance with the 6-foot side yard setbacks as required by the current Zoning Code.

Other than the setback encroachment, the design meets the development standards for lot coverage, height, parking, residential design criteria, and the canyon development string line policy. The overall height of the proposed project does not exceed 24 feet.

In order to comply with the six-foot side yard setback, additional framing and foundation elements would be necessary to properly support the addition. The walls and foundation below would need to be completely reconstructed or replaced, which would be a significant increase in the scope and cost of construction.



Staff believes that these facts associated with the subject property support the required findings. The circumstances noted above limit the ability of the property owner to create a two-story home. Many properties in the Shore Cliff community are developed with single and two-story residences that maintain setbacks less than six feet. Thus, the subject property is deprived of a substantial property right afforded by R-1-6,000 lots in the neighborhood. The Variance would not constitute a special privilege as it allows the property owner to maintain parity with the development of other lots in the vicinity. Adequate separation of the proposed addition from the adjoining property will be maintained consistent with the intent of the Zoning Code and the existing development in Shore Cliffs. The granting of the applicant's request is consistent with the intent of the General Plan and Zoning Code to provide a safe and livable community. Therefore, staff recommends Planning Commission approval based on the discussion and facts above and the recommended conditions of approval that have been incorporated into the attached resolution (Attachment No. PC1).

### Alternatives

Staff believes that the findings for approval can be made for the proposed addition and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

### Environmental Review

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – New Construction or Conversion of Small Structures).

The Class 3 exemption includes the construction of one single-family residence. The proposed development involves an addition to an existing single-family residence. Therefore, the proposed project qualifies for an exemption under Class 3.

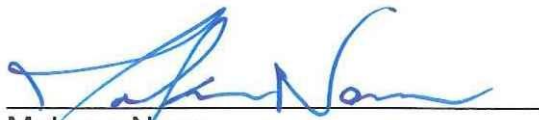


Public Notice/Correspondences

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Letters submitted by the public are provided as Attachment No. PC 4. One letter comes from the Shore Cliffs Property Owners Association stating their opposition to the project. The City has no requirement stating approval is contingent upon homeowner's association approval.

Prepared by:

  
Makana Nova  
Assistant Planner

Submitted by:

  
Brenda Wisneski, AICP, Deputy Director

**ATTACHMENTS**

- PC 1 Draft Resolution for Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Evening Canyon Drive Property Setback Information
- PC 4 Public Comments
- PC 5 Site Photos
- PC 6 Project Plans



# **Attachment No. PC 1**

Draft Resolution for Approval with  
Findings and Conditions



## **RESOLUTION NO. ####**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING VARIANCE NO. VA2012-001 FOR AN ADDITION TO A SINGLE-FAMILY RESIDENCE LOCATED AT 245 EVENING CANYON ROAD (PA2012-027).**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Daniel Kashani representing the property owner, Cornerstone Securities, LLC, with respect to property located at 245 Evening Canyon Road, and legally described as Lot 132 of Tract 1116, in the City of Newport Beach, County of Orange, State of California, as per map recorded in book 36, pages 19-20, inclusive of miscellaneous maps, in the office of the County Recorder of said County requesting approval of a variance.
2. The applicant requests a variance to allow a 2,000-square-foot addition to an existing 2,757-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. A variance is requested to allow a 73 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence.
3. The subject property is located within the R-1-6,000 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single-Unit Residential Detached).
5. A public hearing was held on May 3, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. At the May 3, 2012, Planning Commission Meeting, the Planning Commission took action to continue this item to the June 7, 2012, Planning Commission Meeting to comply with the noticing provisions of the NBMC. However, a public notice had already been mailed out for the May 17, 2012, Planning Commission Meeting. Therefore, at the May 17, 2012, meeting, the Planning Commission again continued the item to the June 7, 2012, Planning Commission meeting agenda.
6. A public hearing was held on June 7, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.



Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – New Construction or Conversion of Small Structures).
2. The Class 3 exemption includes the construction of one single-family residence. The proposed development involves an addition to an existing single-family residence. Therefore, the proposed project qualifies for an exemption under Class 3.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of a variance are set forth:

### Finding:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

### Facts in Support of Finding:

- A-1. The existing lot is 55 feet in width and the current zoning code requires 6-foot side yard setback areas. The lot was permitted to be developed with a single-family residence with a side yard setback equal to 10 percent of the lot width in 1952, consistent with the Zoning provisions at that time. Therefore, the structure is considered legal nonconforming.
- A-2. The property is adjacent to Buck Gully and is subject to primary and accessory structure development string lines which limit construction further down the slope and limits the depth of the developable area. Development further down the slope is limited and compliance with the setback requirements would require significant additional alterations at the entry level of the existing structure beyond the proposed scope of work.
- A-3. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required setbacks. The walls and foundation below would need to be completely reconstructed or replaced, which is a significant departure from the desired scope of construction. Additions and two-story construction are allowed on any R-1-6,000 designated property by the Zoning Ordinance and approval of the Variance is necessary to



preserve that right without significant added construction and cost to comply with the setback standard.

Finding:

- B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Facts in Support of Finding:

- B-1. The previous Zoning Code allowed properties within this zone to construct additions in-line with the existing structure by right. The current Zoning Code does not provide a provision that allows additions in-line with existing nonconforming structures that project into the side yard setback within the R-1-6,000 zoning district.
- B-2. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required setbacks. The walls and foundation below would need to be completely reconstructed or replaced, which is a significant departure from the desired scope of construction. Additions and two-story construction are allowed on any R-1-6,000 designated property by the Zoning Ordinance and approval of the Variance is necessary to preserve that right without significant added construction and cost to comply with the setback standard.

Finding:

- C. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

- C-1. Strict compliance with the side yard setback standard given the unique circumstances identified in the facts significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1-6,000 lots in the Shore Cliffs Community.

Finding:

- D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Facts in Support of Finding:

- D-1. The granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties zoned R-1-6,000 as it allows the property owner



to maintain equity with other homes in Shore Cliffs where additions have occurred. The proposed project is consistent with historic development in the neighborhood. Neighboring homes in Shore Cliffs are non-conforming and many were allowed additions in-line with non-conforming setbacks pursuant to previous Zoning Code.

- D-2. The granting of the Variance does not relieve the requirement to obtain required Building Permits and any corrective work deemed necessary by the Building Official.

Finding:

- E. *That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*

Facts in Support of Finding:

- E-1. The abutting properties are developed with single-story residences and the proposed addition does not have large windows that directly face the homes on either side, and therefore, privacy will not be compromised.
- E-2. The design does not significantly affect air and solar access. The proposed addition is approximately 24 feet high at its highest point. The height complies with the 24-foot height limit for flat roof structures and is well below the 29-foot height limit for sloped rooflines.
- E-3. The overall design, based upon the proposed plans, meets residential design criteria provided within Section 20.48.180.B.2 (Design Criteria) by avoiding long unarticulated walls, providing architectural treatment of all elevations, and emphasizing the entry and window elements at the front façade.
- E-4. The approval of this Variance is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

Finding:

- F. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Facts in Support of Finding:

- F-1. The principal purpose of setback standards is to provide adequate separation of buildings for light, access and ventilation. The existing building provides 5-foot and 6-foot setbacks at the side property lines. Approval of the Variance will not diminish this setback area as the addition is on the second floor. Abutting residences also provide 5-foot side yard setback areas; therefore, there will be 10 feet separating the project



and abutting buildings. Adequate separation of the proposed addition from these adjoining properties will be maintained consistent with the intent of the Zoning Code.

- F-2. The subject property is designated by the Land Use Element of the General Plan RS-D (Single-Unit Residential, Detached) and allows detached single-family dwellings. Approval of the Variance will not affect density or intensity of uses.
- F-3. The subject property is zoned R-1-6,000 (Single-Unit Residential), which provides single-family residential uses and approval of the Variance will not affect density or intensity of uses.
- F-4. The subject property is not located within a specific plan area.

#### SECTION 4. DECISION.

#### **NOW, THEREFORE, BE IT RESOLVED:**

- 1. The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF JUNE, 2012.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Michael Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary



**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Variance No. VA2012-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Variance.
5. This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Variance file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Variance and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
8. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.



9. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the property owner or agent.
10. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Cornerstone Securities Residential Addition including, but not limited to, Variance No. VA2012-001 (PA2012-027). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

#### **Fire Department Conditions**

11. New Buildings, alterations, and additions located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Area shall comply with the provisions of C.B.C. Chapter 7, Section 704A, Ignition Resistant Construction. Construction requirements apply to all sides of the structure.
12. Any landscape on the side of the structure that is adjacent to wildland area shall meet fuel modification guidelines.

#### **Building Division Conditions**

13. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
14. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.



**Public Works Conditions**

15. All improvements shall be constructed as required by Ordinance and the Public Works Department.
16. Reconstruct the existing broken and/or otherwise damaged concrete curb and gutter along the Evening Canyon Road frontage.
17. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall require an Encroachment Agreement which will require City Council approval (i.e. the short wall along the northerly property line and the decorative driveway approach). Otherwise, the property owner may choose to remove these private improvements through the Encroachment Permit process.
18. All proposed and existing landscaping within the Evening Canyon Road right-of-way shall be a maximum height of 36 inches with the exception of the area 12 inches from the face of curb, which shall have sod or other low growing landscaping to allow for ingress and egress of vehicle passengers. Plans show a 60-inch box Parkinsonia Aculeata/Mexican Palo Verde) and a 24-inch box Agave Americana (Century Plant 'Blue') in the front yard. This landscaping shall be relocated so that the trunks are completely on private property.
19. Per Council Policy L-6, the use of loose gravel is prohibited within the public right-of-way.
20. Per Chapter 13 of the City Municipal Code, the 24-inch box Crepe Myrtle tree (mildew resistant variety i.e., Lagerstroemia or faurei hybrids 'Natchez') shall be planted along the Evening Canyon Road frontage. The plans shall identify exactly the species/size and location where the new street trees will be planted. Per the City Arborist, the applicant has the following options:
  - a. Choose to redesign their landscaping to accommodate the required street tree, or
  - b. Choose to keep the original design and pay for a street tree to be planted elsewhere in the City.
21. A new sewer cleanout shall be installed on the existing sewer lateral per STD-406-L adjacent to the property line in the Evening Canyon Road public right-of-way.
22. An encroachment permit is required for all work activities within the public right-of-way.
23. In case of damage done to public improvements surrounding the development site by private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
24. All on-site drainage shall comply with the latest City Water Quality requirements.



25. County Sanitation District fees shall be paid prior to the issuance of any building permits.



## **Attachment No. PC 2**

Draft Resolution for Denial



**RESOLUTION NO. ####**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF NEWPORT BEACH DENYING VARIANCE NO. VA2012-  
001 FOR PROPERTY LOCATED AT 245 EVENING CANYON  
ROAD (PA2012-027)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Daniel Kashani representing Cornerstone Securities, LLC, with respect to property located at 245 Evening Canyon Road, and legally described as Lot 132 of Tract 1116, in the City of Newport Beach, County of Orange, State of California, as per map recorded in book 36, pages 19-20, inclusive of miscellaneous maps, in the office of the County Recorder of said County requesting approval of a variance.
2. The applicant requests a variance to allow a 2,000-square-foot addition to an existing 2,757-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. A variance is requested to allow a 73 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence.
3. The subject property is located within the R-1-6,000 (Single-Unit Residential) zoning district and the General Plan land use element category is RS-D (Single-Unit Residential Detached).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single-Unit Residential Detached).
5. A public hearing was held on May 3, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. At the May 3, 2012, Planning Commission Meeting, the Planning Commission took action to continue this item to the June 7, 2012, Planning Commission Meeting to comply with the noticing provisions of the NBMC. However, a public notice had already been mailed out for the May 17, 2012, Planning Commission Meeting. Therefore, at the May 17, 2012, meeting, the Planning Commission again continued the item to the June 7, 2012, Planning Commission meeting agenda.
6. A public hearing was held on June 7, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.



## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.18.030 (Residential Zoning Districts General Development Standards), a 6-foot side yard setback is required for development on properties zoned R-1-6,000. Therefore, the requested addition and existing structure that encroach up to a maximum of 11 inches into the 6-foot side yard setback requires the approval of a variance.

The Planning Commission may approve a variance only after making each of the required findings set forth in Section 20.52.090 (Variances). In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed Variance for the addition to an existing single-family residence is not consistent with the legislative intent of Title 20 of the NBMC. The proposed project may prove detrimental to the community.
2. The design, location, size, and characteristics of the proposed project are not compatible with the single-family residences in the vicinity. The addition may result in negative impacts to residents in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

## SECTION 4. DECISION.

### **NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby denies Variance No. VA2012-001.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF JUNE, 2012.**

AYES:

NOES:

ABSTAIN:



ABSENT:

BY:\_\_\_\_\_  
Michael Toerge, Chairman

BY:\_\_\_\_\_  
Fred Ameri, Secretary



## **Attachment No. PC 3**

Evening Canyon Drive  
Property Setback Information



## Evening Canyon Square Footage and Parking Analysis

		Sq Ft	Garage	Parking	Side Yard	Plan Check or Data Source
1	203	4,214	742	3	7-ft 5-in and 8-ft 10-in	MD2651
2	207	5,943	790	3	8-ft and 10-sewer easement	1928-2003
3	208	3,592			n/a	County data
4	211	6,503	709	3	5-ft	567-86
5	212	4,604	954	4	6-ft	451-98
6	215	6,320	720	3	5-ft	2339-2006
7	216	2,088	400	2	5-ft	1469-80, County data
8	219	9,520	594	2	6-ft	0772-2002
9	220	2,404	420	2	n/a	1745-97
10	223	5,543	725	3	6-ft	1183-82
11	224	4,177	1,355	4	6-ft	1895-2000
12	232	3,123	360	2	4-ft at left side, ?	1101-77, County data
13	227-233	6,161	1,134	5	5-ft	1286-2010
14	237	1,471		2	n/a	County data
15	238	7,052	1,933	3	6-ft	2655-2007
16	241	3,031	418	2	5-ft	1506-98
17	242	1,673		2	n/a	County data
18	245	2,363	420	2	5-ft and 6-ft 3-in	(PA2012-027)
19	248	5,054	767	3	6-ft	1561-2001
20	249	2,552	410	2	5-ft	2648-98
21	254	1,943		2	n/a	306-95 and County data
22	255	6,964	953	4	6-ft?	128-92
23	260	4,414	926	4	6-ft	0617-2003
24	261	1,730		2	n/a	County data
25	265	3,037	420	2	5-ft and 8-ft	Orig. Permit '62 and 1502-87
26	266	6,016	686	3	6-ft	0058-2006
27	269	3,456	640	2?	6-ft	2123-2000
28	272	2,695		2	n/a	County data
29	273	1,639		2	n/a	County data
30	280	1,741		2	n/a	County data
31	286	1,471		2	n/a	County data
32	287	2,101		2	n/a	County data

\*9 of 32 or 28% of homes on this street are confirmed with nonconforming side yard setbacks

\*\*An additional 11 of 32 or 34% of homes on this street are likely to have nonconforming setbacks due to the original tract development

\*\*\*The final 12 of 32 or 38% of homes on this street have been renovated or rebuilt with conforming 6-foot side yard setbacks



# **Attachment No. PC 4**

Public Comments



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# SHORE CLIFFS PROPERTY OWNERS ASSOCIATION

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April 30, 2012

City of Newport Beach  
Planning Department  
Newport Beach, CA

Attention: Makana Nova / Assistant Planner

Subject: Notice of Public Hearing, Project File No. PA2012-027 - 245 Evening Canyon Road,  
Corona Del Mar, CA.

Ladies / Gentleman:

This letter is in response to the Notice of Public Hearing regarding the proposed improvements at 245 Evening Canyon Road.

The Shore Cliff Property Owners Association and its Architectural Committee, herein referred to as "Association", are not in support of the proposed improvements as described in the Notice of Public Hearing based on the following items:

1. The improvement to add a second floor over the existing one-story structure concerns the Association. The existing structure is quite old and the existing foundation most likely will not support the new two-story structure. It is our understanding that modifications to the existing foundation constitutes a non-compliant structure, therefore requiring new foundations and increased setbacks as per the city's code. The Association is concerned that the foundation is inadequate and should be required to construct new foundation and walls.
2. The variance to allow a 72% addition should constitute the proposed improvements as a new home, not a remodel, and therefore it should be considered a new home construction that should comply with all City requirements.
3. Additionally the Architectural Committee feels that the design of the home aesthetically does not fit within the Shore Cliff community, and strongly recommends that new elevation designs be prepared.
4. Additionally, the Association request denial of the variance request to reduce the required number of enclosed / covered garage spaces. Parking is a premium in Shore Cliff and all other recently proposed remodels and additions within Shore Cliff have had to provide the minimum required enclosed parking spaces.

In closing the Shore Cliffs Property Owners Association reviews all proposed property improvements as they comply to their CC&Rs and the City of Newport Beach codes / requirements. The most stringent of these regulations are applied to any proposed improvement. In this case it is the City's requirements that are the most stringent and the Association expects the City of Newport Beach to uphold these requirements and deny the proposed variances.

Should you have any questions please contact Patti Taketa, Architectural Committee Representative at (949) 533-3534 or the Association's Consulting Architect Dave George at (949) 719-9818.

RECEIVED BY  
COMMUNITY

MAY 03 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH



George Debbaneh

05/10/2012

241 Evening Canyon RD

Corona Del Mar, CA 92625

Re: Public hearing of Project File No: PA2012-027

Activity No: MD2012-008 and VA2012-001

RECEIVED BY

COMMUNITY

MAY 15 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH

We are the owners and residents of the house next door on the left side "West" to the above project.

We oppose the idea of allowing the applicant to build any closer than the 6 feet required by the city guide line. We also oppose allowing a two car garages instead of the three required, since the building will be about 4800 S.F.

The actual distance of the project's side yard setback was found to be about two inches less than 5 feet, not two inches more than 5 Feet, according to our own measurement.

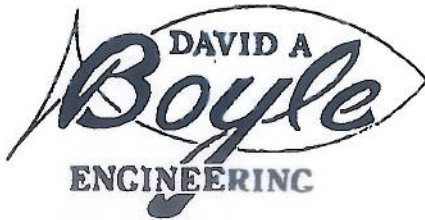
The survey which was conducted two months ago to our house, by a certified surveyor, confirmed this measurement. The surveyor we hired for our house is the same one used for the above project.

The city of Newport Beach guidelines were issued for the benefit and comfort of all residents. Deviation from these guidelines without sufficient justification will trivialize said guidelines, and inconvenience those affected.

Thank you.

George Debbaneh.



**TELEFAX TRANSMITTAL SUMMARY**TO: ALLEN, MULLINGS & ALLEN DATE: 11-27-02TIME: 8:30 AMATTN: DEBRA ALLEN

OUR FAX NO: (714) 957-8499

FAX NO: 714) 558-0638JOB NO: P08-100-04FROM: Dave BoyleCC Don Peterson  
909) 272-4739

IF NOT RECEIVED PROPERLY, CALL (714) 957-8144

10:25

OPERATOR'S NAME: DavidTOTAL PAGES SENT 4 (including transmittal)   PER YOUR REQUEST X FOR YOUR REVIEW    FOR YOUR INFORMATIONRE: PETERSON LOT 132, TR 1114REMARKS: PLEASE REVIEW THE ATTACHED AND  
COMMENT.



MAX. PERMISSIBLE BUILDING LIMIT LINE  
MAX. EVE OVERHANG=3' BEYOND  
BUILDING LIMIT AND ABOVE  
ELEVATION 99.07

MAX. PERMISSIBLE DECK LIMIT LINE  
MAX. LOWER DECK ELEVATION=80.25  
MAX. UPPER DECK ELEVATION=89.07

SCALE: 1"=20'

LOT 133

EXIST. LOWER DECK  
EL. 80.25  
EXIST. UPPER DECK  
EL. 89.07

LOT 132

ACCESS  
RESERVATION

LOT 131

TOP SLOPE

WIRE OVER  
WOOD RET.  
WALL

RETAINING WALL

WOOD FENCE

BLOCK WALL

WOOD FENCE

CURB

CONC. WALK

PROPERTY LINE

BLOCK  
WALL

EXIST. HOME

EVE LINE  
(TYP)

GARAGE

245 EVENING  
CANYON RD.

EVE LINE  
(TYP)

30" WOOD  
RAIL FENCE

CURB

CONTROL POINT  
EL. 89.32 TOP CURB  
ON EXTENSION OF RL

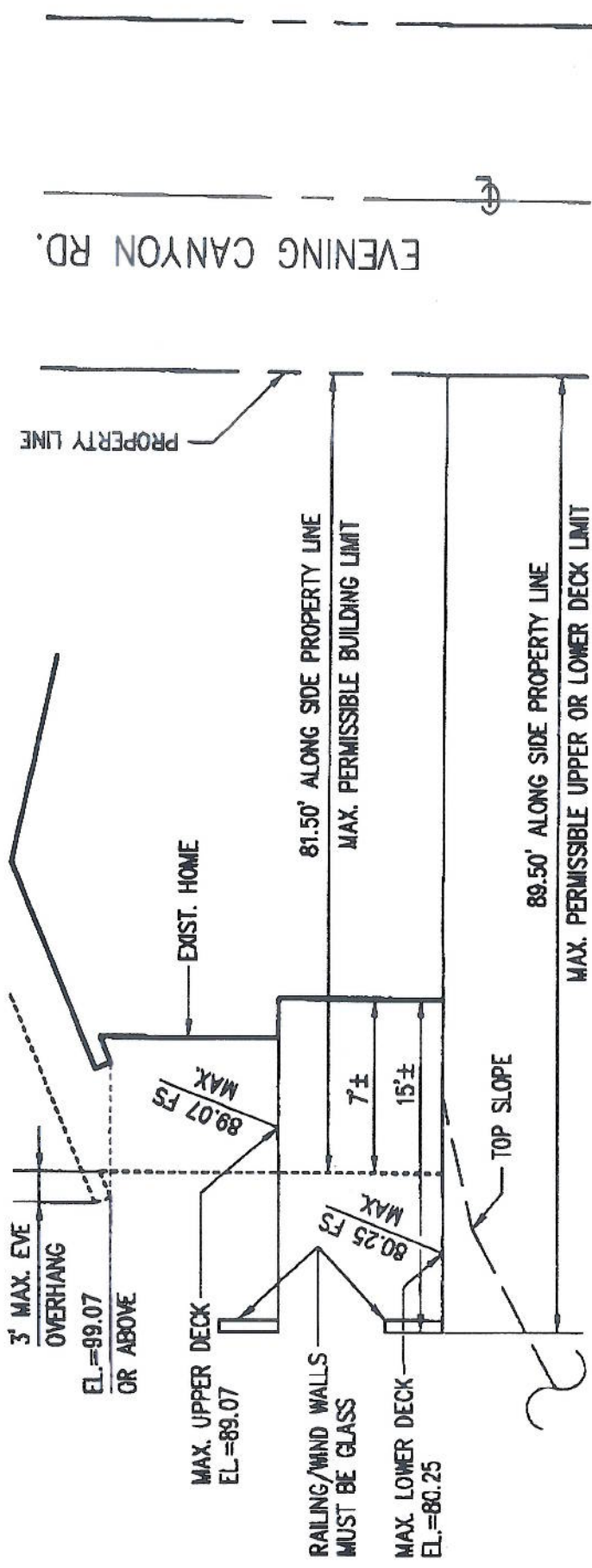
WROUGHT IRON FENCE  
WOOD FENCE OVER  
BLOCK WALL (TYP)

EXIST. HOME  
EVE LINE

EVENING CANYON ROAD

EXHIBIT A  
LOT 132  
TRACT 1116





**SECTION A-A**  
NOT TO SCALE

**EXHIBIT B**  
**LOT 132**  
**TRACT 1116**



LOT 132, TRACT 1116

**BUILDING LIMITS**

THE REAR OF THE EXISTING HOME OR ANY FUTURE HOUSE MAY NOT BE EXTENDED BEYOND THE MAXIMUM PERMISSIBLE BUILDING LIMIT LINE WHICH IS HEREBY ESTABLISHED AT 81.50 FEET NORTHWESTERLY FROM THE FRONT PROPERTY LINE AS MEASURED ALONG EACH SIDE PROPERTY LINE. SEE EXHIBIT A & B.

**DECK LIMITS**

THE REAR OF ANY FUTURE DECK MAY NOT BE EXTENDED BEYOND THE MAXIMUM PERMISSIBLE DECK LIMIT LINE WHICH IS HEREBY ESTABLISHED AT 89.50 FEET NORTHWESTERLY FROM THE FRONT PROPERTY LINE AS MEASURED ALONG EACH SIDE PROPERTY LINE. ANY LOWER LEVEL DECK MAY NOT BE CONSTRUCTED ABOVE ELEVATION 80.25. ANY UPPER LEVEL DECK MAY NOT BE CONSTRUCTED ABOVE ELEVATION 89.07. SEE EXHIBIT A & B.

**REFERENCE ELEVATIONS**

THE REFERENCE ELEVATION IS HEREBY ESTABLISHED AS 89.32 ON THE TOP OF THE EXISTING CURB LOCATED BY THE PROLONGATION OF THE NORTHEASTERLY PROPERTY LINE OF LOT 132 OF TRACT 1116. FURTHER REFERENCE ELEVATIONS ARE HEREBY ESTABLISHED FOR THE EXISTING LOWER AND UPPER DECKS ON LOT 133, TRACT 1116 AS 80.25 AND 89.07, RESPECTIVELY. SEE EXHIBIT A & B.

**ACCESS RESERVATION**

A RESERVATION OF A 4.00 FEET WIDE STRIP OF LAND FOR PEDESTRIAN ACCESS OVER THE EXISTING STAIRS IS HEREBY RESERVED FOR THE BENEFIT OF LOT 133, TRACT 1116. THE NORTHEASTERLY LINE OF SAID 4.00 FEET STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 132, TRACT 1116 IN THE CITY OF NEWPORT BEACH, RECORDED IN BOOK 38, PAGES 19 AND 20 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ORANGE, THENCE 89.50 FEET ALONG THE NORTHEASTERLY LINE OF SAID LOT TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID LINE A DISTANCE OF 10.00 FEET.



# **Attachment No. PC 5**

Site Photos





245 Evening Canyon Road-Lower Level Patio



245 Evening Canyon  
Road- Partially  
Constructed Entry  
Level Deck



245 Evening Canyon Road-Left Side Yard



245 Evening Canyon Road-Left Side Yard





245 Evening Canyon Road-Existing Two-Car Garage



245 Evening Canyon Road-Existing Single-Family Residence



245 Evening Canyon Road-Existing and Adjacent Residences



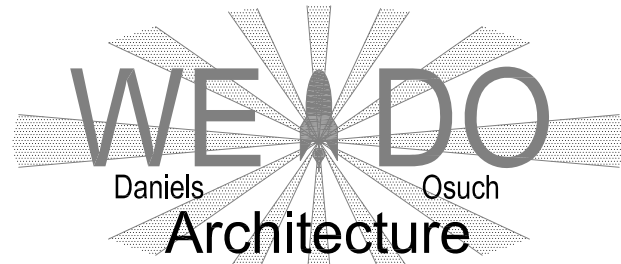
245 Evening Canyon Road-View from Lower Level Patio



# **Attachment No. PC 6**

Project Plans





WE-DO Architecture  
1016 Prospect Avenue  
Hermosa Beach, CA 90254  
310.594.6989 Willis - Cell  
818.649.0053 Eddie - Cell

Residential Remodel  
245 Evening Canyon Road  
Corona del Mar, CA 92658

HOUSE AREAS:  
EXISTING LOWER LEVEL 582 SQUARE FEET  
EXISTING FIRST FLOOR 1,755 SQUARE FEET  
EXISTING GARAGE 420 SQUARE FEET  
PROPOSED FIRST FLOOR ADDITION 460 SQUARE FEET  
PROPOSED FIRST FLOOR TOTAL 2,215  
PROPOSED SECOND FLOOR 1,540 SQUARE FEET  
TOTAL 4,337 SQUARE FEET

LEGAL DESCRIPTION:  
LOT 132 OF TRACT NO. 1116, IN THE CITY OF CORONA DEL MAR, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 36, PAGES 19 THROUGH 20, OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY.

ASSESSORS PARCEL NO:

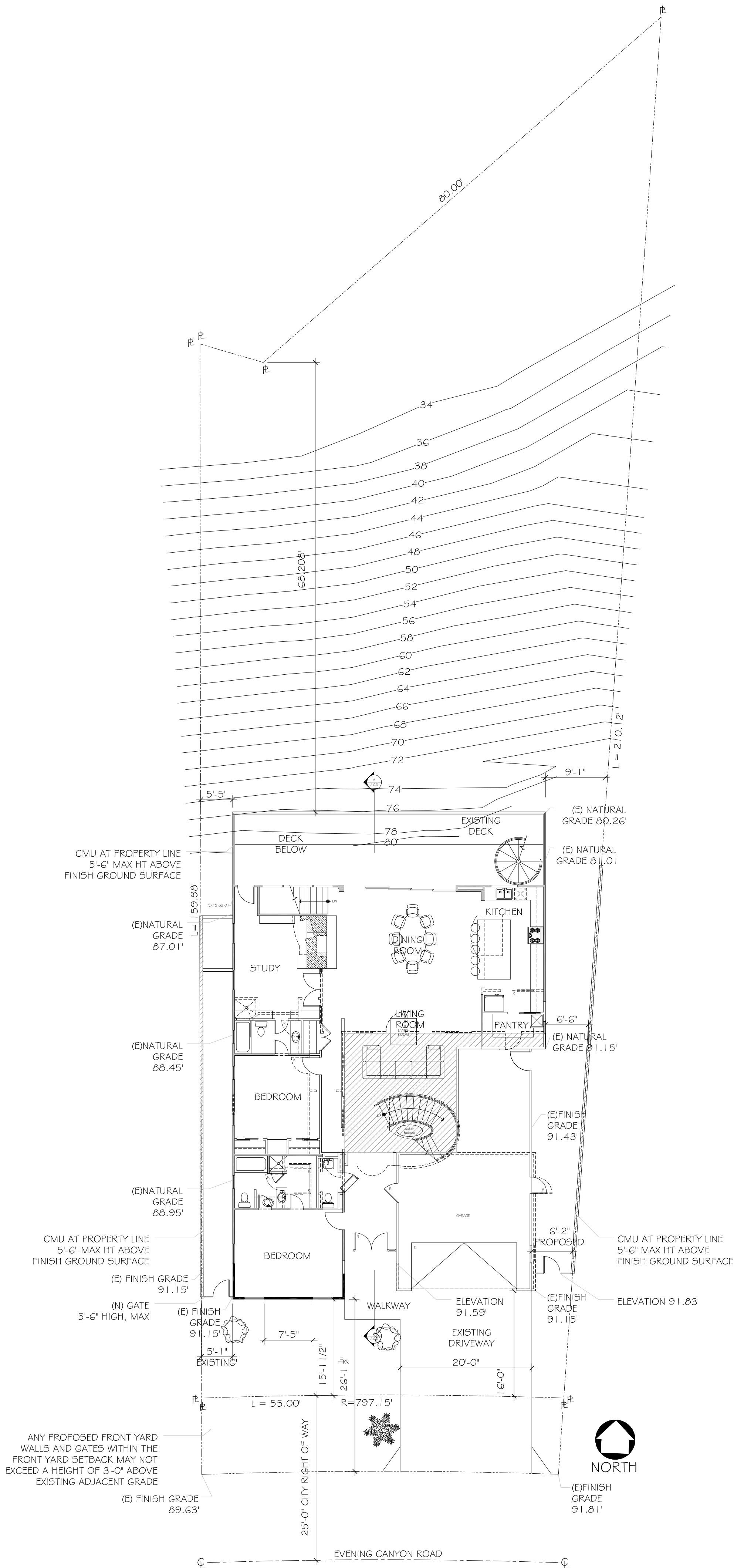
APN #: 052-191-12

ZONING:

R-1-6000

LOT COVERAGE:

LOT COVERAGE 3,365 SQUARE FEET / 11,033 SQUARE FOOT LOT = 30% LOT COVERAGE



Architectural Drawn By:  
WILLIS DANIELS-EDDIE OSUCH

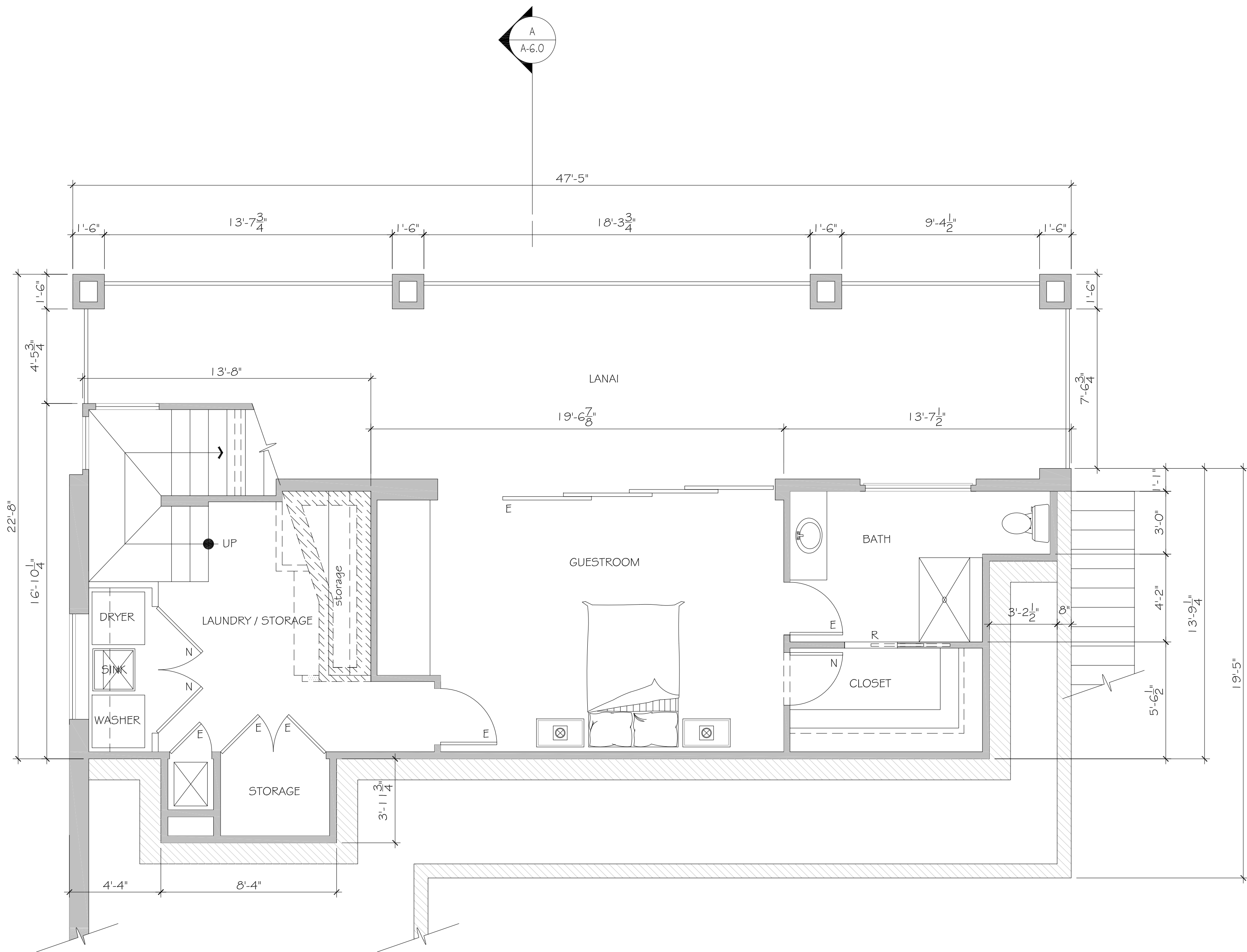
SHEET TITLE

Site Plan

Date Issued: February 13, 2012

Scale: 3/32" = 1'-0"

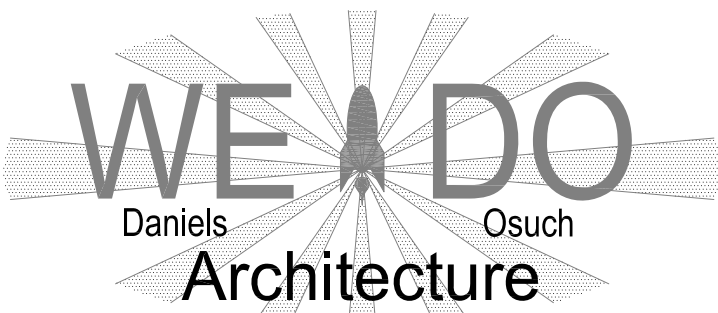




SCHEMATIC DESIGN NOTES:

- E EXISTING
- N NEW
- E REMOVE/RELOCATE
- EXISTING PARTITION TO REMAIN
- EXISTING PARTITION TO BE REMOVED
- NEW BUILDING STANDARD PARTITION

HOUSE AREAS:  
EXISTING LOWER LEVEL 582 SQUARE FEET  
EXISTING FIRST FLOOR 1,755 SQUARE FEET  
EXISTING GARAGE 420 SQUARE FEET  
PROPOSED FIRST FLOOR ADDITION 460 SQUARE FEET  
PROPOSED FIRST FLOOR TOTAL 2,215  
PROPOSED SECOND FLOOR 1,540 SQUARE FEET  
TOTAL 4,337 SQUARE FEET



WE-DO Architecture  
1016 Prospect Avenue  
Hermosa Beach, CA 90254  
310.594.6989 Willis - Cell  
818.649.0053 Eddie - Cell

Residential Remodel  
245 Evening Canyon Road  
Corona del Mar, CA 92658

NUMBER	DATE/DESCRIPTION
	FEBRUARY 13, 2012
	ISSUED FOR REVIEW

Architectural Drawn By:  
WILLIS DANIELS-EDDIE OSUCH

SHEET TITLE  
Schematic Floor Plan "D"

Date Issued: February 13, 2012  
Scale:  $\frac{1}{4}" = 1'-0"$





**Residential Remodel**  
245 Evening Canyon Road  
Corona del Mar, CA 92658

NUMBER	DATE.DESCRPTION
	FEBRUARY 13, 2012
	ISSUED FOR REVIEW

Architectural Drawn By:  
WILLIS DANIELS—EDDIE OSUCH

SHEET TITLE

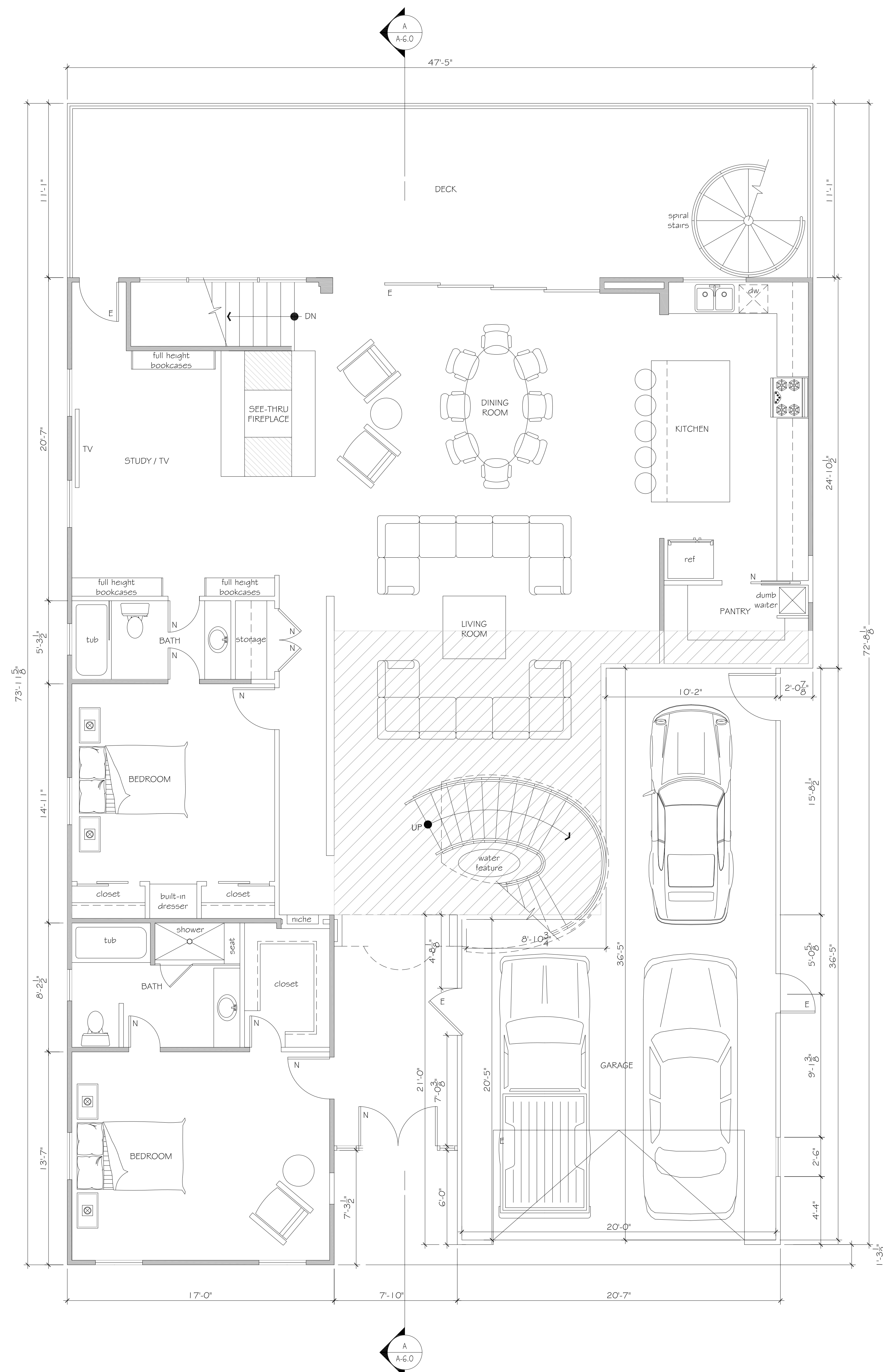
Schematic First Floor  
Plan "D"

Date Issued: February 13, 2012  
Scale: 1/4" = 1'-0"





**A** **5.0**

---

SHEET 5 OF 11

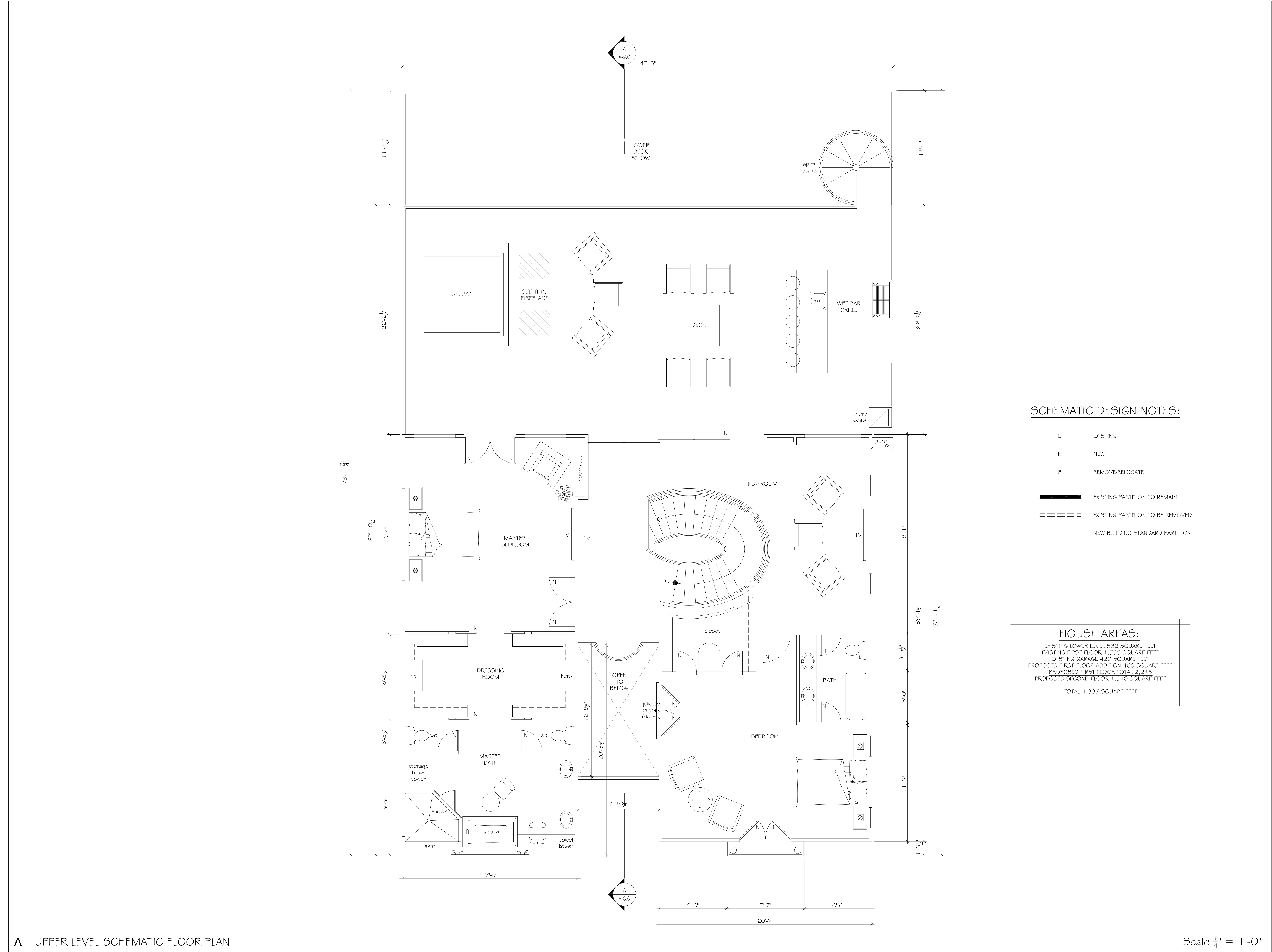


E	EXISTING
N	NEW
E	REMOVE/RELOCATE

- |   |                                  |
|---|----------------------------------|
|  | EXISTING PARTITION TO REMAIN     |
|  | EXISTING PARTITION TO BE REMOVED |
|  | NEW BUILDING STANDARD PARTITION  |
|  | NEW CONSTRUCTION                 |

EXISTING LOWER LEVEL 582 SQUARE FEET  
EXISTING FIRST FLOOR 1,755 SQUARE FEET  
EXISTING GARAGE 420 SQUARE FEET  
PROPOSED FIRST FLOOR ADDITION 460 SQUARE FEET  
PROPOSED FIRST FLOOR TOTAL 2,215  
PROPOSED SECOND FLOOR 1,540 SQUARE FEET  
  
TOTAL 4,337 SQUARE FEET





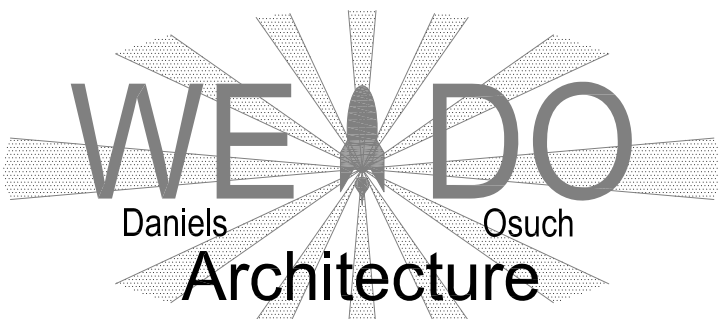
NUMBER	DATE/DESCRIPTION
	FEBRUARY 13, 2012
	ISSUED FOR REVIEW

Architectural Drawn By:  
WILLIS DANIELS-EDDIE OSUCH

SHEET TITLE  
**Schematic Second Floor  
Plan "D"**

Date Issued: **February 13, 2012**  
Scale: **1/4" = 1'-0"**





WE-DO Architecture  
1016 Prospect Avenue  
Hermosa Beach, CA 90254  
310.594.6989 Willis - Cell  
818.649.0053 Eddie - Cell

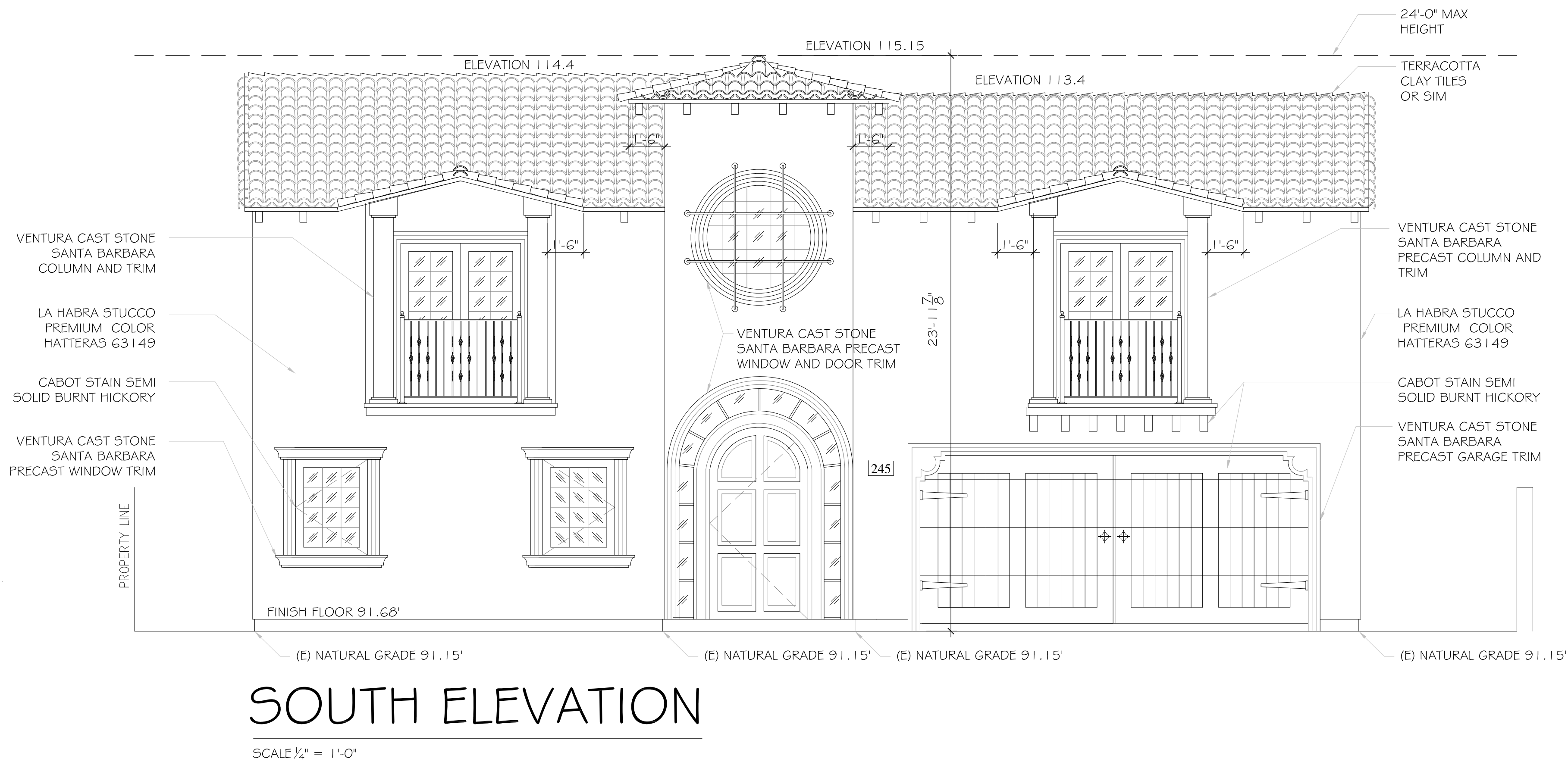
Residential Remodel  
245 Evening Canyon Road  
Corona del Mar, CA 92658

NUMBER	DATE/DESCRIPTION
	FEBRUARY 13, 2012
	ISSUED FOR REVIEW

Architectural Drawn By:  
WILLIS DANIELS-EDDIE OSUCH

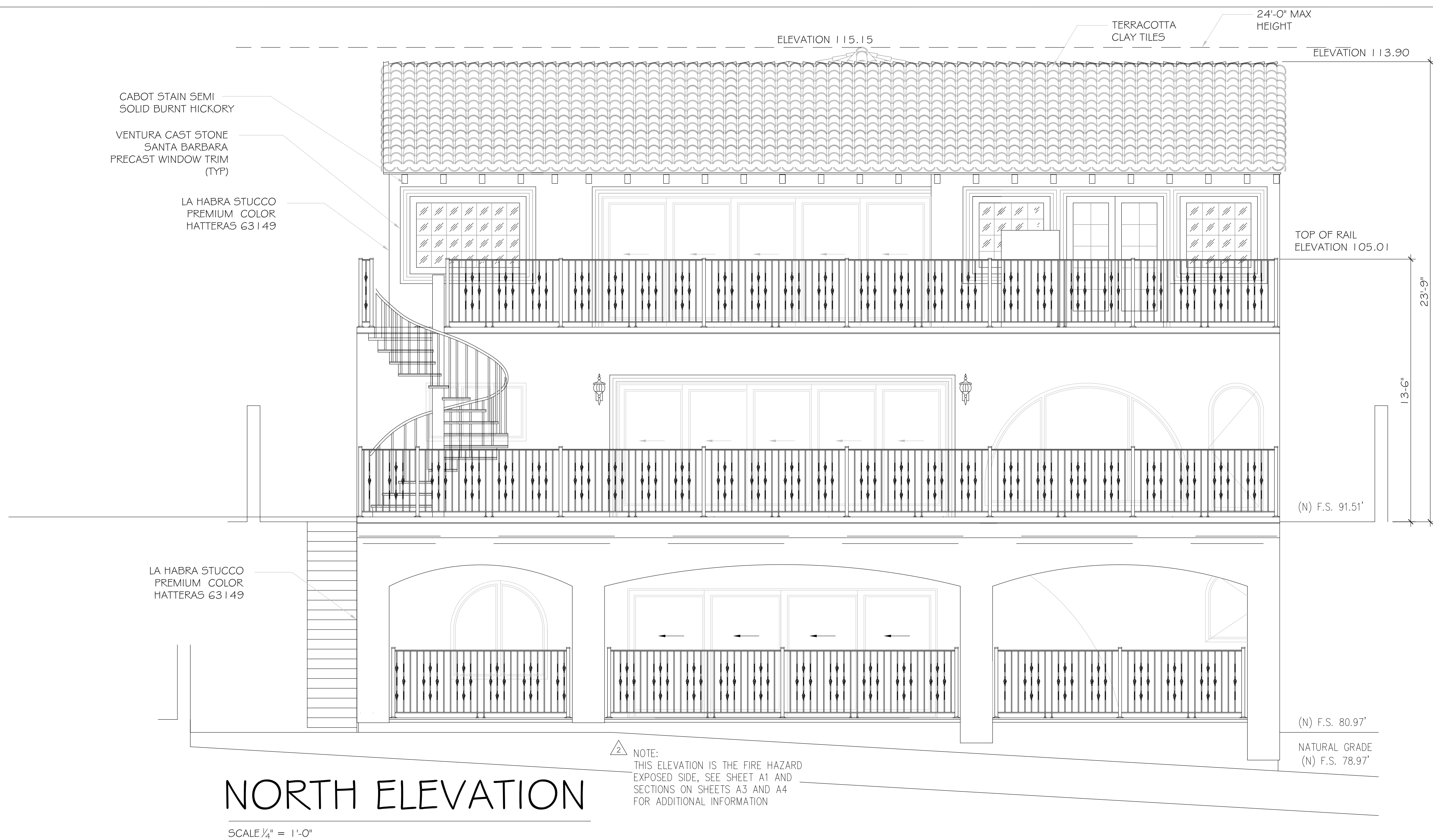
SHEET TITLE  
Schematic Elevations

Date Issued: February 13, 2012  
Scale: 1/4" = 1'-0"



A SOUTH ELEVATION SCHEMATIC

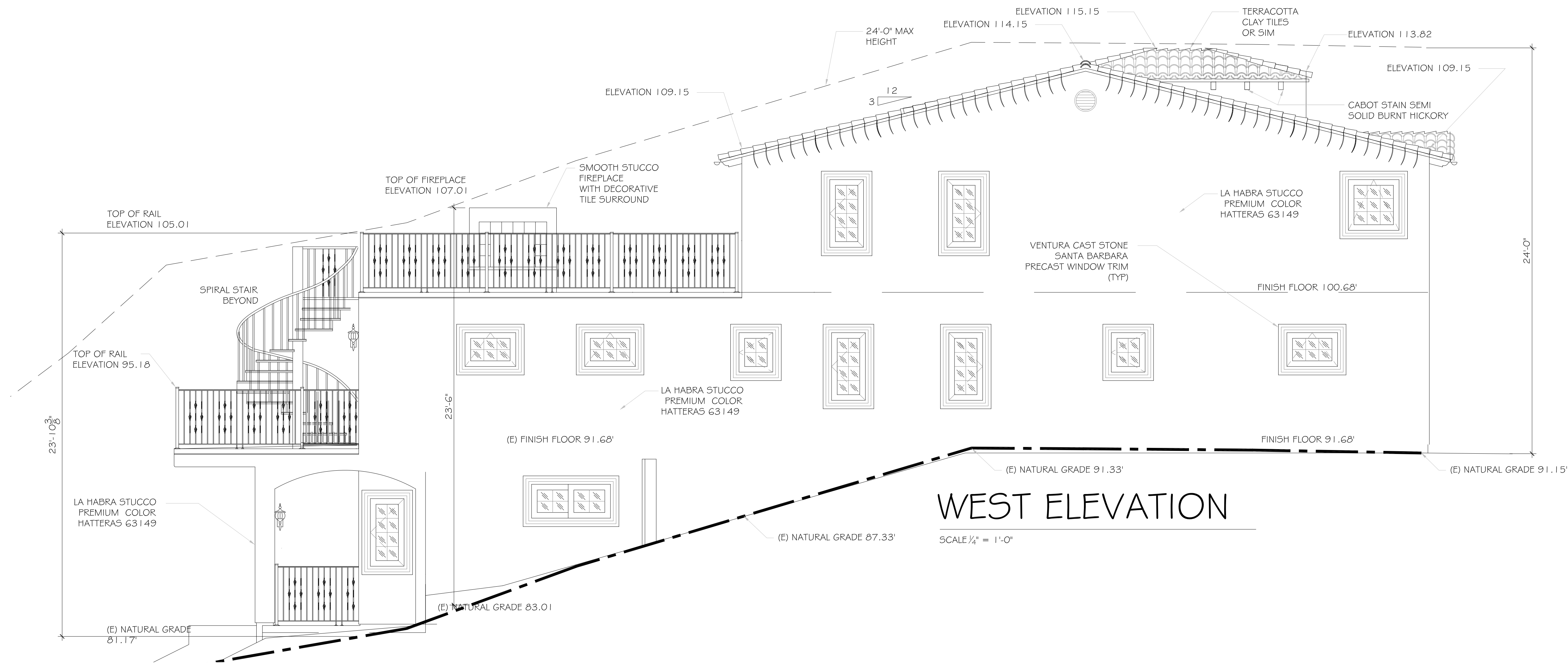
Scale 1/4" = 1'-0"



B NORTH ELEVATION SCHEMATIC

Scale 1/4" = 1'-0"

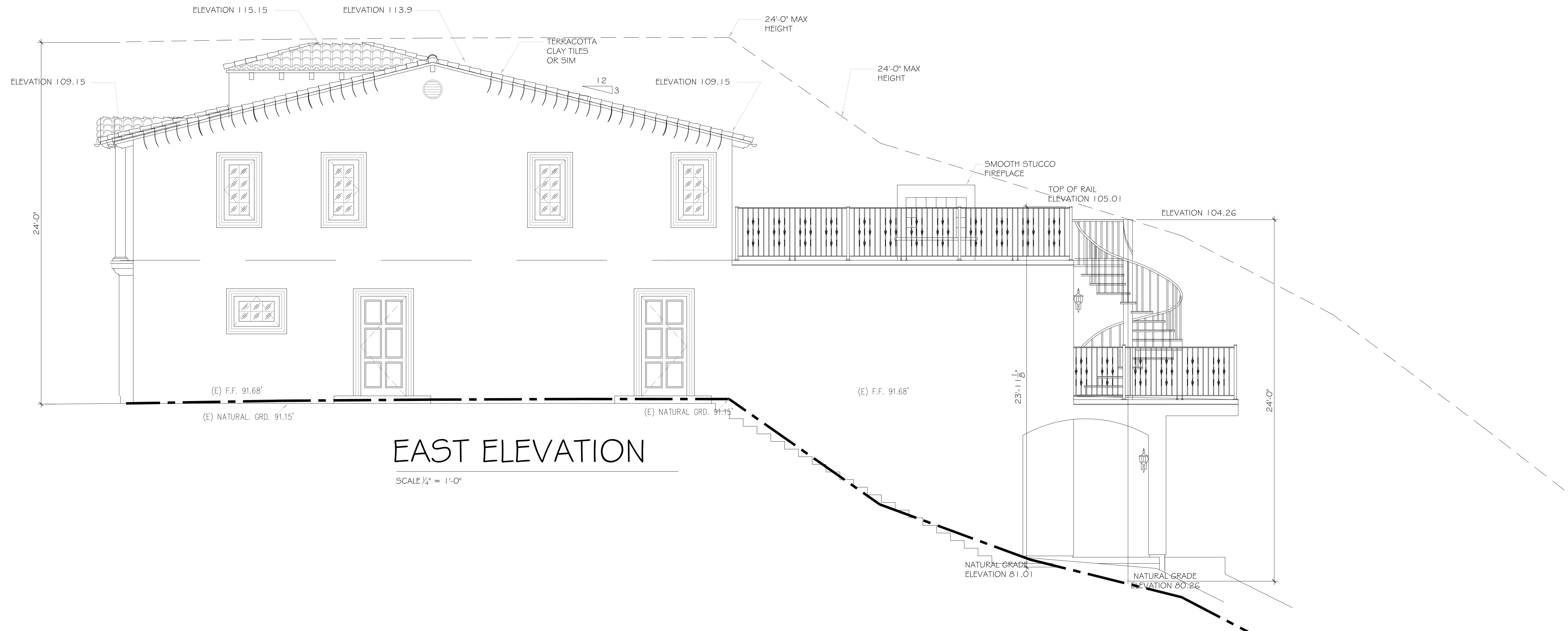




## WEST ELEVATION

SCALE 1/4" = 1'-0"

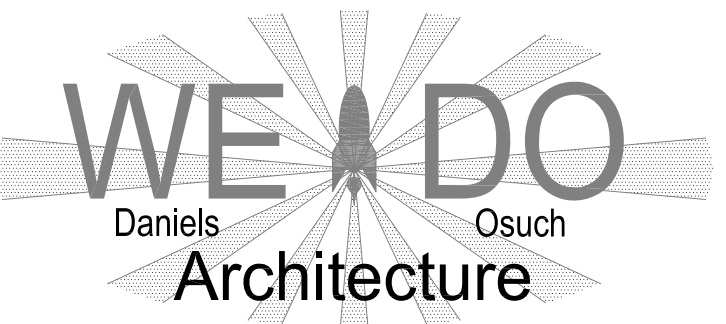
A WEST ELEVATION SCHEMATIC



## EAST ELEVATION

SCALE 1/4" = 1'-0"

B EAST ELEVATION SCHEMATIC



WE-DO Architecture  
1016 Prospect Avenue  
Hermosa Beach, CA 90254  
310.594.6989 Willis - Cell  
818.649.0053 Eddie - Cell

Residential Remodel  
245 Evening Canyon Road  
Corona del Mar, CA 92658

NUMBER	DATE/DESCRIPTION
	FEBRUARY 13, 2012
	ISSUED FOR REVIEW

Architectural Drawn By:  
WILLIS DANIELS-EDDIE OSUCH

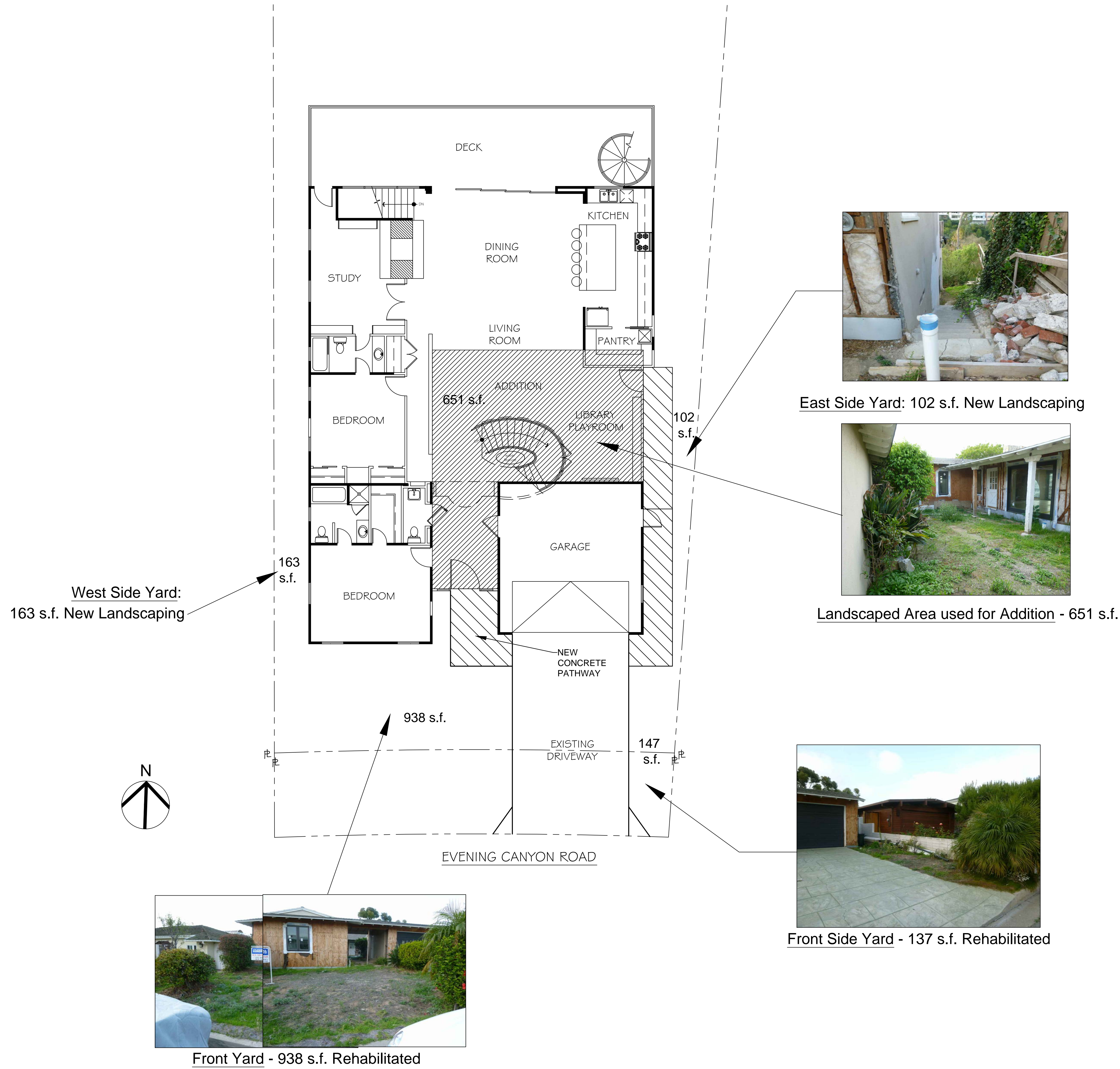
SHEET TITLE  
Schematic Elevations

Date Issued: February 13, 2012  
Scale: 1/4" = 1'-0"

**A** **10.0**  
SHEET 10 OF 11

Scale 1/4" = 1'-0"

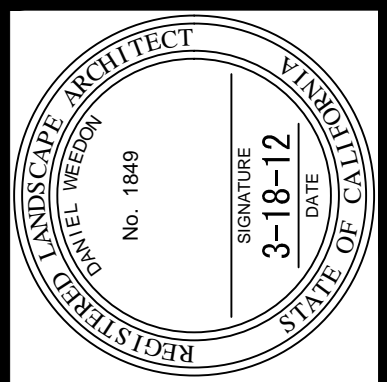




LANDSCAPING DENOTATION:

Total Existing Landscaped Area:	1,736 s.f.
Area Used For Building Addition:	651 s.f.
Rehabilitated:	1,085 s.f.
New:	265 s.f.

Revisions



ARCHIVERDE Landscape Design  
11407 Ruggiero Avenue  
Lake View Terrace, California 91342  
Office: (310) 500-8881  
Fax: (818) 897-1669

DO NOT USE THIS PLAN TO CONSTRUCT THIS PROJECT UNLESS THE LANDSCAPE ARCHITECT'S SIGNATURE APPEARS ON THE STATE LICENSE STAMP TO THE RIGHT. UNSIGNED PLANS MAY CONTAIN OBSOLETE INFORMATION.

LANDSCAPING DENOTATION

Residential Remodel  
245 Evening Canyon Rd.  
Corona del Mar, CA 92625

Drawn	SD
Checked by	SD
Date	March 17, 2012
Scale	Not to Scale
Job no.	Drawer
Sheet	2

L1.1



# LEGEND

APRON	DRIVEWAY
TC	TOP CURB
FF	FINISHED FLOOR
FS	FINISHED SURFACE
TW	TOP WALL
FNC	FENCE
BLDG	BUILDING
EP	EDGE PAVEMENT
TS	TOP STEP
NG	NATURAL GROUND
SW	SEWER MANHOLE
T	TELEPHONE UTILITY
E	ELECTRIC
WV	WATER VALVE
WM	WATER METER
H	HYDRANT
E	ELECTRIC MANHOLE
G	GAS METER
	WOODEN STEP
	MASONRY WALL
	PALM

TRACT NO. 1116

LOT 133

LOT 132

TRACT NO. 673

M.M. 20/17-18

LOT 131

M.M. 36/19-20

245 EVENING CANYON ROAD

25' 25'  
50'

SCALE: 1"=10'

## BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF SEAWARD ROAD AS SHOWN AS HAVING A BEARING OF "NORTH 5°36'02" WEST" ON TRACT NO. 1116 FILED IN BOOK 36, PAGES 19 THROUGH 20, OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

## SURVEYORS NOTES:

THIS SURVEY DOES NOT PURPORT TO DISCLOSE EASEMENTS EXCEPT THOSE SPECIFICALLY DELINEATED HEREON, IF ANY. IF UNDERGROUND UTILITIES, OTHER STRUCTURES OR ZONES, SETBACK AND STREET WIDENING DATA ARE SHOWN HEREON, IT IS FOR INFORMATION ONLY, HAVING BEEN OBTAINED FROM OTHER SOURCES NOT CONNECTED WITH THIS COMPANY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID INFORMATION AND ANY USER OF THIS MAP IS URGED TO CONTACT THE UTILITY OR GOVERNING AGENCY DIRECTLY.

## LEGAL DESCRIPTION:

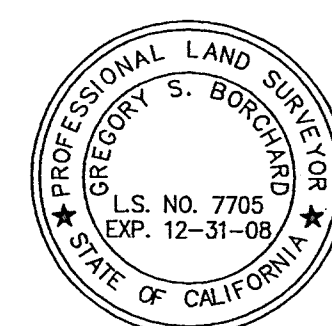
THAT CERTAIN PARCEL OF LAND BEING LOT 132 OF TRACT NO. 1116, IN THE CITY OF CORONA DEL MAR, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 36, PAGES 19 THROUGH 20, OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY.

ASSESSORS PARCEL NO.:

APN# 052-191-12

## BENCHMARK:

FD. 3 3/4 USCGS BRONZED DISK STAMPED "T 167 RESET 1954" SET IN THE TOP OF THE INTERSECTION OF SEAWARD ROAD AND PACIFIC COAST HIGHWAY, 42.7 FT. NORTHEASTERLY OF THE CENTERLINE OF PCH AND 229.7 FT. NORTHERLY OF THE CENTERLINE OF SEAWARD ROAD. MONUMENT IS SET 0.1 FT. BELOW THE SIDEWALK AND HAS A STEEL ACCESS COVER ELEV=89.12 FEET (NAVD88)



**BORCHARD SURVEYING AND MAPPING, INC.**  
**815 CALLE PUENTE**  
**SAN CLEMENTE CA. 92672**  
**(949)439-4682**

TOPOGRAPHIC SURVEY OF:  
 245 EVENING CANYON ROAD  
 CORONA DEL MAR, CA. 92625

SHEET

1

OF

1



# SHORE CLIFFS PROPERTY OWNERS ASSOCIATION

April 30, 2012

City of Newport Beach  
Planning Department  
Newport Beach, CA

Attention: Makana Nova / Assistant Planner

Subject: Notice of Public Hearing, Project File No. PA2012-027 - 245 Evening Canyon Road,  
Corona Del Mar, CA.

Ladies / Gentleman:

This letter is in response to the Notice of Public Hearing regarding the proposed improvements at 245 Evening Canyon Road.

The Shore Cliff Property Owners Association and its Architectural Committee, herein referred to as "Association," oppose the proposed improvements as described in the Notice of Public Hearing based on the following grounds:

1. The applicant's requested variance to reduce the required number of enclosed / covered garage spaces for parking of vehicles will detrimentally impact the community by further overburdening street parking in the community. In addition, the Association understands that the City of Newport Beach appropriately has required compliance with the minimum required enclosed on-property parking spaces for all other recently proposed remodels and additions within the Shore Cliffs community.
2. The applicant submitted architectural plans to the Association in accordance with the procedures under the Association's CC&Rs encumbering the property. The Association disapproved the plans based upon, among other reasons, a determination that the design of the proposed improvements are not in harmony with other structures in the Shore Cliffs community and are not aesthetically acceptable as presently designed.
3. Since the requested variance would permit a 72% increase in the size of the existing structure, the Association requests the City to confirm whether the proposed improvements should be considered the functional equivalent of a "new home," rather than a "remodel," and be subject to code requirements applicable to new homes.
4. The Association understands that if modifications to the existing foundation are necessary to provide adequate support for the proposed improvements, or modifications to the foundation are otherwise required for other reasons, that the City will require any new foundation to comply with current code and setback requirements. The Association requests compliance with such requirements, if applicable.

In closing the Shore Cliffs Property Owners Association reviews all proposed property improvements for compliance with the Association's CC&Rs and the City of Newport Beach codes / requirements. In cases where there are differences between the CC&Rs and the City's regulations, the more limiting regulations control and are applied to any proposed improvement. In this case, the City's requirements are more limiting than the Association's regulations. The

RECEIVED BY  
COMMUNITY

MAY 31 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH



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# SHORE CLIFFS PROPERTY OWNERS ASSOCIATION

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Association has determined that ensuring compliance with the City's requirements is in the best interests of the Association, and, therefore, the Association requests the City to uphold its requirements and deny the requested variance.

Should you have any questions please contact Patti Taketa, Architectural Committee Representative at (949) 533-3534 or the Association's Consulting Architect, Dave George, at (949) 719-9818.



Cornerstone Securities Residential Addition  
PA2012-027

City of Newport Beach  
Planning Commission  
3300 Newport Blvd  
Newport Beach, CA 92658

RECEIVED BY  
COMMUNITY  
JUN 07 2012  
DEVELOPMENT  
CITY OF NEWPORT BEACH

[illegible]



**RESOLUTION NO. ####**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF NEWPORT BEACH APPROVING VARIANCE NO.  
VA2012-001 FOR AN ADDITION TO A SINGLE-FAMILY  
RESIDENCE LOCATED AT 245 EVENING CANYON ROAD  
(PA2012-027).**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS  
FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Daniel Kashani representing the property owner, Cornerstone Securities, LLC, with respect to property located at 245 Evening Canyon Road, and legally described as Lot 132 of Tract 1116, in the City of Newport Beach, County of Orange, State of California, as per map recorded in book 36, pages 19-20, inclusive of miscellaneous maps, in the office of the County Recorder of said County requesting approval of a variance.
2. The applicant requests a variance to allow a 2,000-square-foot addition to an existing 2,757-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. A variance is requested to allow a 73 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence.
3. The approval of the variance to allow the 5-foot 1-inch side yard setback at the southwesterly side yard no longer renders the existing structure nonconforming. Therefore, an additional variance for the size of the addition to the existing structure is not required.
4. The subject property is located within the R-1-6,000 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single-Unit Residential Detached).
6. A public hearing was held on May 3, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. At the May 3, 2012, Planning Commission Meeting, the Planning Commission took action to continue this item to the June 7, 2012, Planning Commission Meeting to comply with the noticing provisions of the NBMC. However, a public notice had already been mailed out for the May 17, 2012, Planning Commission Meeting. Therefore, at the May 17, 2012, meeting, the Planning Commission again continued the item to the June 7, 2012, Planning Commission meeting agenda.



7. A public hearing was held on June 7, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – New Construction or Conversion of Small Structures).
2. The Class 3 exemption includes the construction of one single-family residence. The proposed development involves an addition to an existing single-family residence. Therefore, the proposed project qualifies for an exemption under Class 3.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of a variance are set forth:

### Finding:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

### Facts in Support of Finding:

- A-1. The existing lot is 55 feet in width and the current zoning code requires 6-foot side yard setback areas. The lot was permitted to be developed with a single-family residence with a side yard setback equal to 10 percent of the lot width in 1952, consistent with the Zoning provisions at that time. Therefore, the structure is considered legal nonconforming.
- A-2. The property is adjacent to Buck Gully and is subject to primary and accessory structure development string lines which limit construction further down the slope and limits the depth of the developable area. Development further down the slope is limited and compliance with the setback requirements would require significant additional alterations at the entry level of the existing structure beyond the proposed scope of work.
- A-3. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required



setbacks. The walls and foundation below would need to be completely reconstructed or replaced, which is a significant departure from the desired scope of construction. Additions and two-story construction are allowed on any R-1-6,000 designated property by the Zoning Ordinance and approval of the Variance is necessary to preserve that right without significant added construction and cost to comply with the setback standard.

Finding:

- B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Facts in Support of Finding:

- B-1. The previous Zoning Code allowed properties within this zone to construct additions in-line with the existing structure by right. The current Zoning Code does not provide a provision that allows additions in-line with existing nonconforming structures that project into the side yard setback within the R-1-6,000 zoning district.
- B-2. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required setbacks. The walls and foundation below would need to be completely reconstructed or replaced, which is a significant departure from the desired scope of construction. Additions and two-story construction are allowed on any R-1-6,000 designated property by the Zoning Ordinance and approval of the Variance is necessary to preserve that right without significant added construction and cost to comply with the setback standard.
- B-3. The approval of the variance to allow the 5-foot 1-inch side yard setback at the southwesterly side yard no longer renders the existing structure nonconforming. Therefore, an additional variance for the size of the addition to the existing structure is not required.

Finding:

- C. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

- C-1. Strict compliance with the side yard setback standard given the unique circumstances identified in the facts significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1-6,000 lots in the Shore Cliffs Community.



Finding:

- D. *That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Facts in Support of Finding:

- D-1. The granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties zoned R-1-6,000 as it allows the property owner to maintain equity with other homes in Shore Cliffs where additions have occurred. The proposed project is consistent with historic development in the neighborhood. Neighboring homes in Shore Cliffs are non-conforming and many were allowed additions in-line with non-conforming setbacks pursuant to previous Zoning Code.
- D-2. The granting of the Variance does not relieve the requirement to obtain required Building Permits and any corrective work deemed necessary by the Building Official.

Finding:

- E. *That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.*

Facts in Support of Finding:

- E-1. The abutting properties are developed with single-story residences and the proposed addition does not have large windows that directly face the homes on either side, and therefore, privacy will not be compromised.
- E-2. The design does not significantly affect air and solar access. The proposed addition is approximately 24 feet high at its highest point. The height complies with the 24-foot height limit for flat roof structures and is well below the 29-foot height limit for sloped rooflines.
- E-3. The overall design, based upon the proposed plans, meets residential design criteria provided within Section 20.48.180.B.2 (Design Criteria) by avoiding long unarticulated walls, providing architectural treatment of all elevations, and emphasizing the entry and window elements at the front façade.
- E-4. The approval of this Variance is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.



Finding:

- F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Facts in Support of Finding:

- F-1. The principal purpose of setback standards is to provide adequate separation of buildings for light, access and ventilation. The existing building provides 5-foot and 6-foot setbacks at the side property lines. Approval of the Variance will not diminish this setback area as the addition is on the second floor. Abutting residences also provide 5-foot side yard setback areas; therefore, there will be 10 feet separating the project and abutting buildings. Adequate separation of the proposed addition from these adjoining properties will be maintained consistent with the intent of the Zoning Code.
- F-2. The subject property is designated by the Land Use Element of the General Plan RS-D (Single-Unit Residential, Detached) and allows detached single-family dwellings. Approval of the Variance will not affect density or intensity of uses.
- F-3. The subject property is zoned R-1-6,000 (Single-Unit Residential), which provides single-family residential uses and approval of the Variance will not affect density or intensity of uses.
- F-4. The subject property is not located within a specific plan area.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF JUNE, 2012.**

AYES:

NOES:

ABSTAIN:

ABSENT:



BY:\_\_\_\_\_  
Michael Toerge, Chairman

BY:\_\_\_\_\_  
Fred Ameri, Secretary



**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

**PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Variance No. VA2012-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Variance.
5. This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Variance file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Variance and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
8. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.



9. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the property owner or agent.
10. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Cornerstone Securities Residential Addition including, but not limited to, Variance No. VA2012-001 (PA2012-027). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

#### **Fire Department Conditions**

11. New Buildings, alterations, and additions located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Area shall comply with the provisions of C.B.C. Chapter 7, Section 704A, Ignition Resistant Construction. Construction requirements apply to all sides of the structure.
12. Any landscape on the side of the structure that is adjacent to wildland area shall meet fuel modification guidelines.

#### **Building Division Conditions**

13. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
14. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.



**Public Works Conditions**

15. All improvements shall be constructed as required by Ordinance and the Public Works Department.
16. Reconstruct the existing broken and/or otherwise damaged concrete curb and gutter along the Evening Canyon Road frontage.
17. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall require an Encroachment Agreement which will require City Council approval (i.e. the short wall along the northerly property line and the decorative driveway approach). Otherwise, the property owner may choose to remove these private improvements through the Encroachment Permit process.
18. All proposed and existing landscaping within the Evening Canyon Road right-of-way shall be a maximum height of 36 inches with the exception of the area 12 inches from the face of curb, which shall have sod or other low growing landscaping to allow for ingress and egress of vehicle passengers. Plans show a 60-inch box Parkinsonia Aculeata/Mexican Palo Verde) and a 24-inch box Agave Americana (Century Plant 'Blue') in the front yard. This landscaping shall be relocated so that the trunks are completely on private property.
19. Per Council Policy L-6, the use of loose gravel is prohibited within the public right-of-way.
20. Per Chapter 13 of the City Municipal Code, the 24-inch box Crepe Myrtle tree (mildew resistant variety i.e., Lagerstroemia or faurei hybrids 'Natchez') shall be planted along the Evening Canyon Road frontage. The plans shall identify exactly the species/size and location where the new street trees will be planted. Per the City Arborist, the applicant has the following options:
  - a. Choose to redesign their landscaping to accommodate the required street tree, or
  - b. Choose to keep the original design and pay for a street tree to be planted elsewhere in the City.
21. A new sewer cleanout shall be installed on the existing sewer lateral per STD-406-L adjacent to the property line in the Evening Canyon Road public right-of-way.
22. An encroachment permit is required for all work activities within the public right-of-way.
23. In case of damage done to public improvements surrounding the development site by private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
24. All on-site drainage shall comply with the latest City Water Quality requirements.



25. County Sanitation District fees shall be paid prior to the issuance of any building permits.



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Finding:

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Facts in Support of Finding:

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Facts in Support of Finding:

- C-1. Strict compliance with the side yard setback standard given the unique circumstances identified in the facts significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1-6,000 lots in the Shore Cliffs Community.



**EXHIBIT "A"**

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**PLANNING**

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8. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.



**Nova, Makana**

PA2012-027

**From:** Kay Shillock [kshillock@gmail.com]  
**Sent:** Thursday, June 07, 2012 4:17 PM  
**To:** Nova, Makana  
**Subject:** Newport Beach Planning Commission - Meeting June 7, 2012

RECEIVED BY  
COMMUNITY

JUN 07 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH

Ms Makana Nova: Please submit the following to the Planning Commission for consideration. Thank you.

**To:** Newport Beach Planning Commission  
June 7, 2012 Meeting

**Re:** Cornerstone Securities Residential Addition (PA 2012-027)  
245 Evening Canyon Rd. Corona del Mar. Shore  
Cliffs Subdivision

Commission Members:

The following testimony is submitted in opposition to granting a waiver to the above mentioned property.

This has been deemed a non-conforming property. The residence was originally built in the 1950 or early 1960,s before the ability to survey via GPS. It was relatively easy to be "off" 7 to 11 inches. We have recently had the same experience with our 1950 vintage home at 242 Evening Canyon Rd and lost 18 inches of our property to adjacent new construction. I think we all agree GPS is more accurate; however, please do not use probable previous survey inaccuracy to justify allowing this waiver within Shore Cliffs Subdivision.

The Commission will leave itself wide open to many more of the same requests and greatly damage the HOA's CC&Rs enforcement capability within a highly desirable community. We are reasonably certain the City of Newport Beach does not want to jeopardize Shore Cliffs' community status, for all the obvious reasons.

Thank you for allowing us to submit this memo via e-mail. As I explained today in response to Ms Nova's telephone call regarding this evening's hearing, family illness prevented an earlier response. Thank you for your careful consideration.

Mr & Mrs H.E. Shillock Jr. (owner: 242 Evening Canyon Rd.)  
5203 Graystone Lane  
Houston, Texas 77069

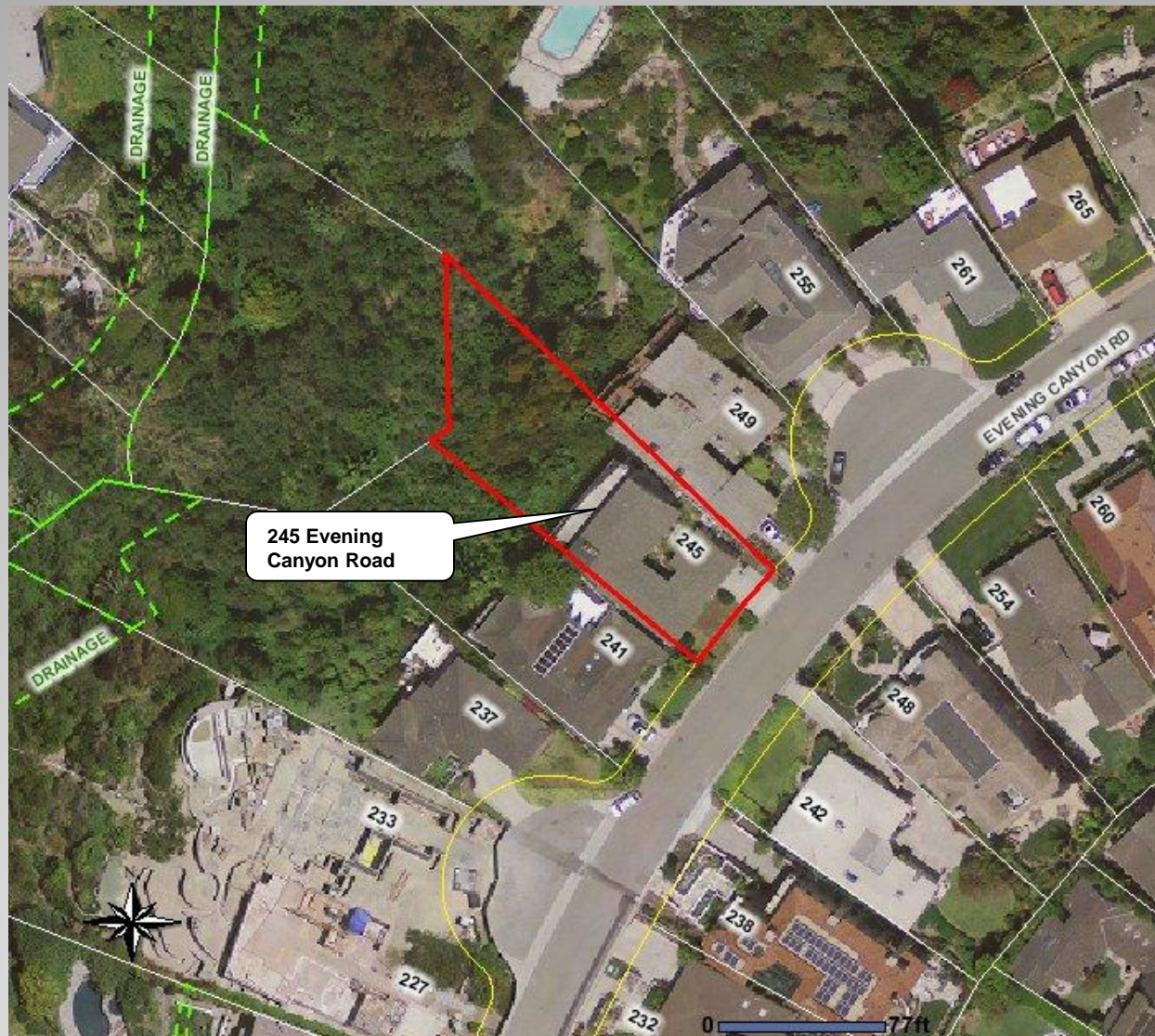




Planning Commission June 7, 2012

**Cornerstone Securities Residential Addition  
Variance No. VA2012-001  
(PA2012-027)**





**Vicinity Map**





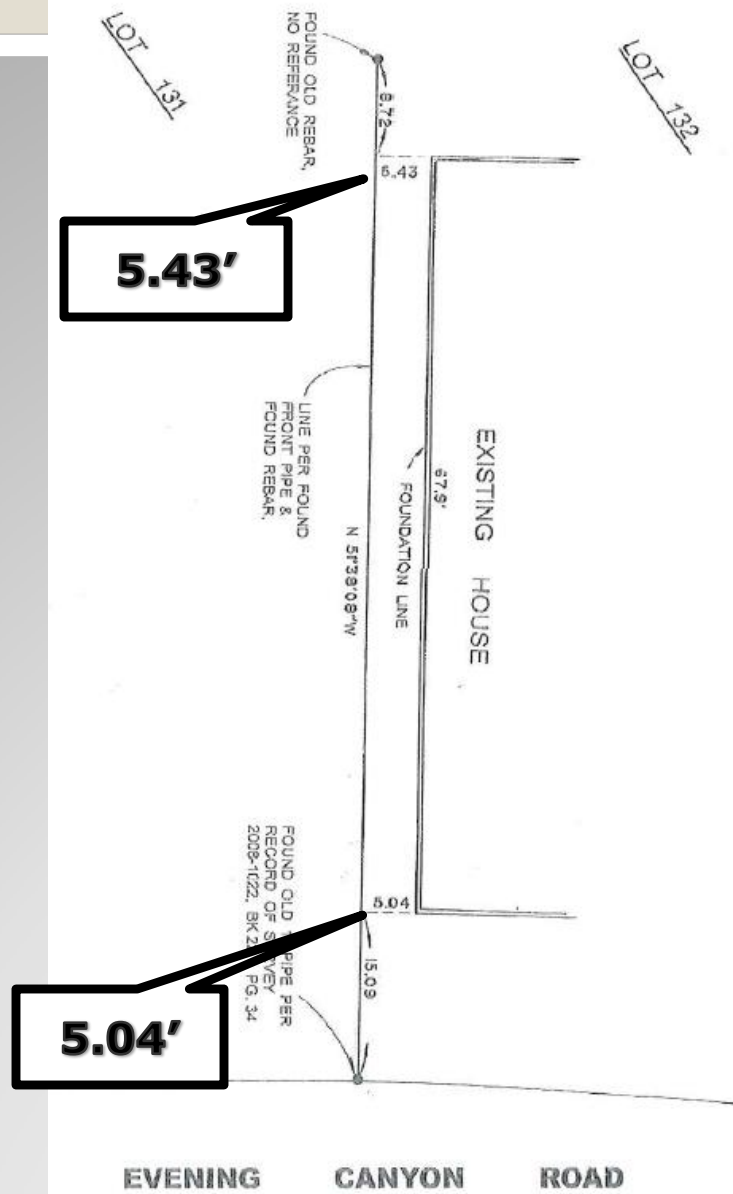
**Street View-245 Evening Canyon**





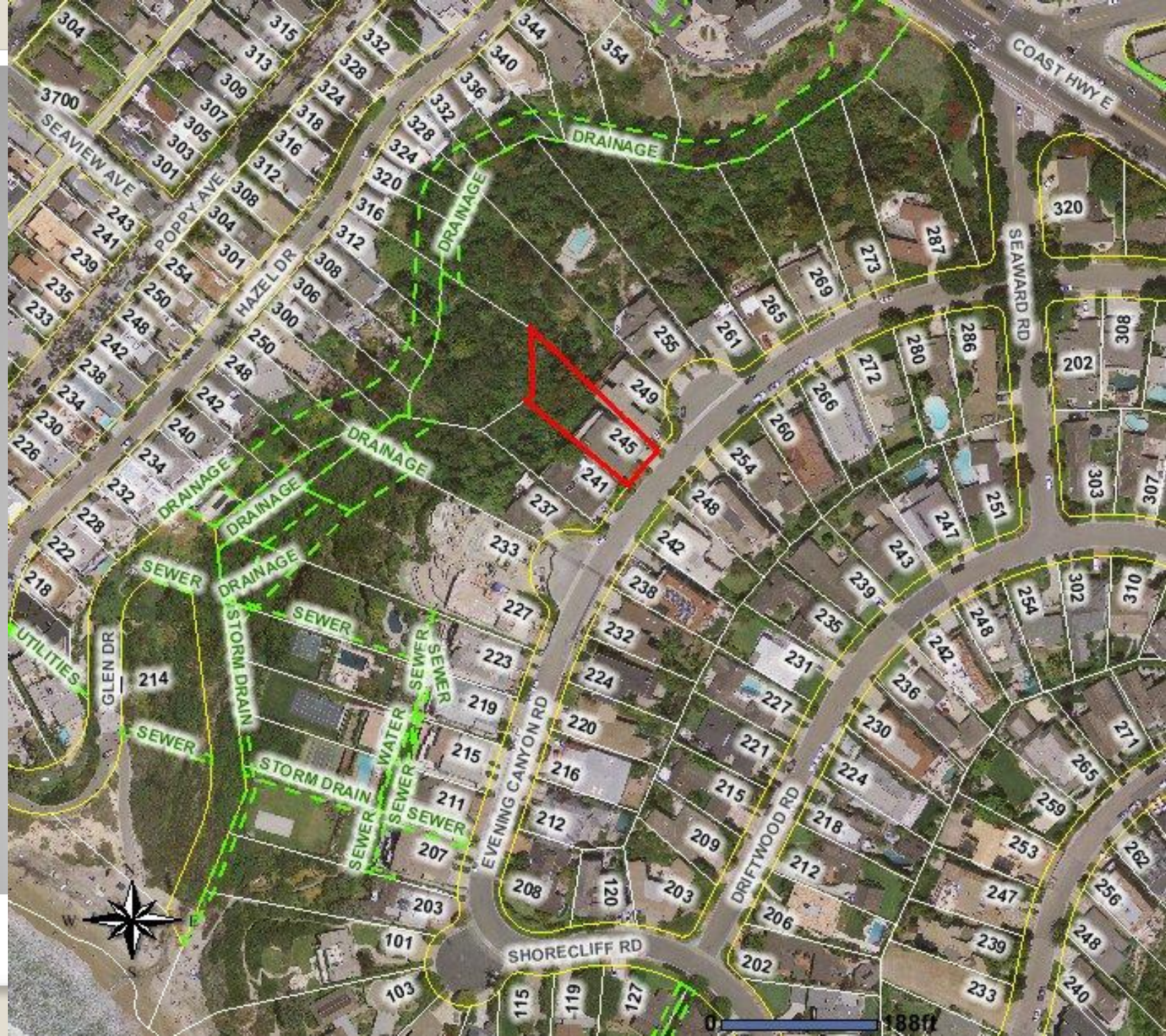
**Southwesterly Side Yard**





# Survey of Side Yard

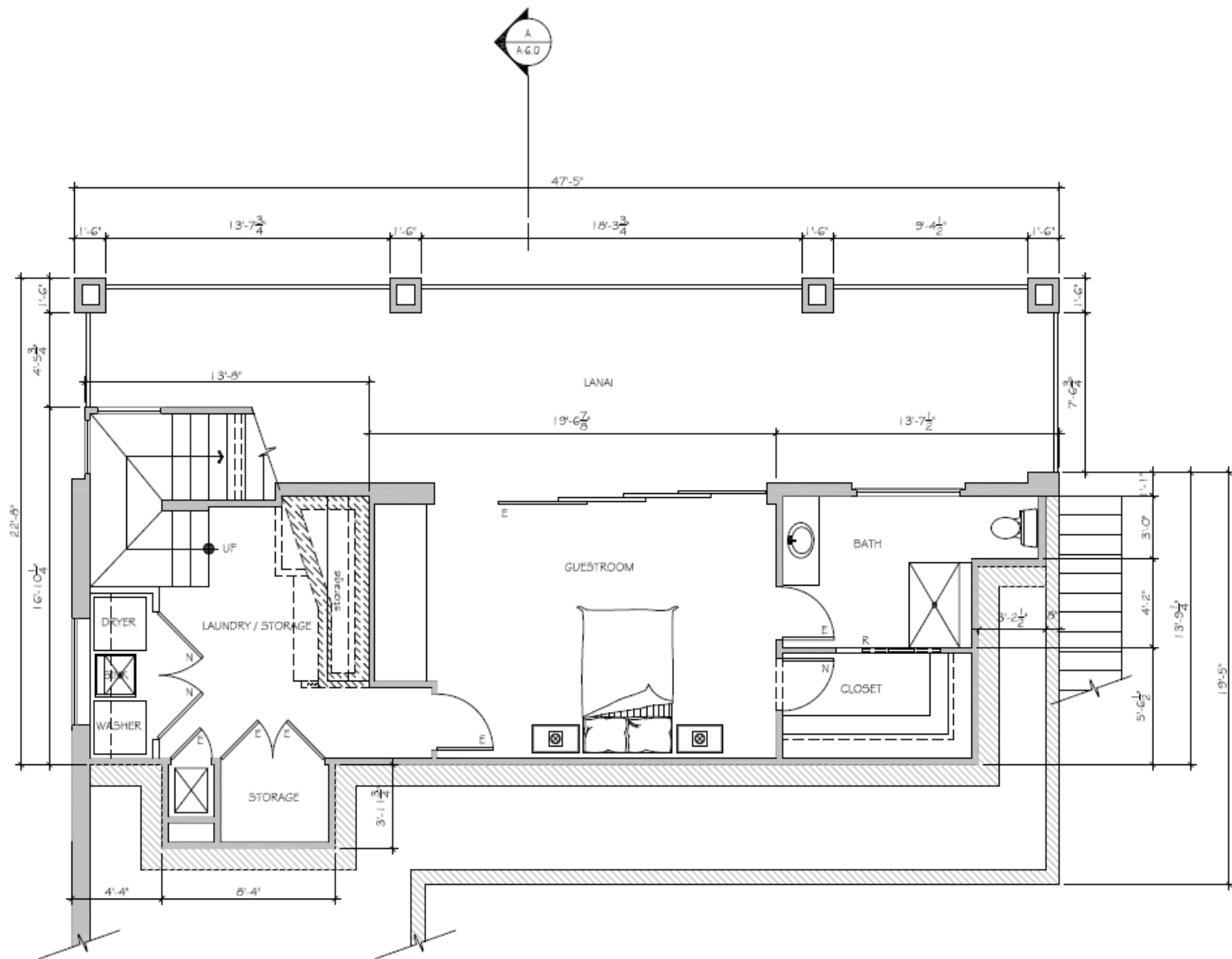






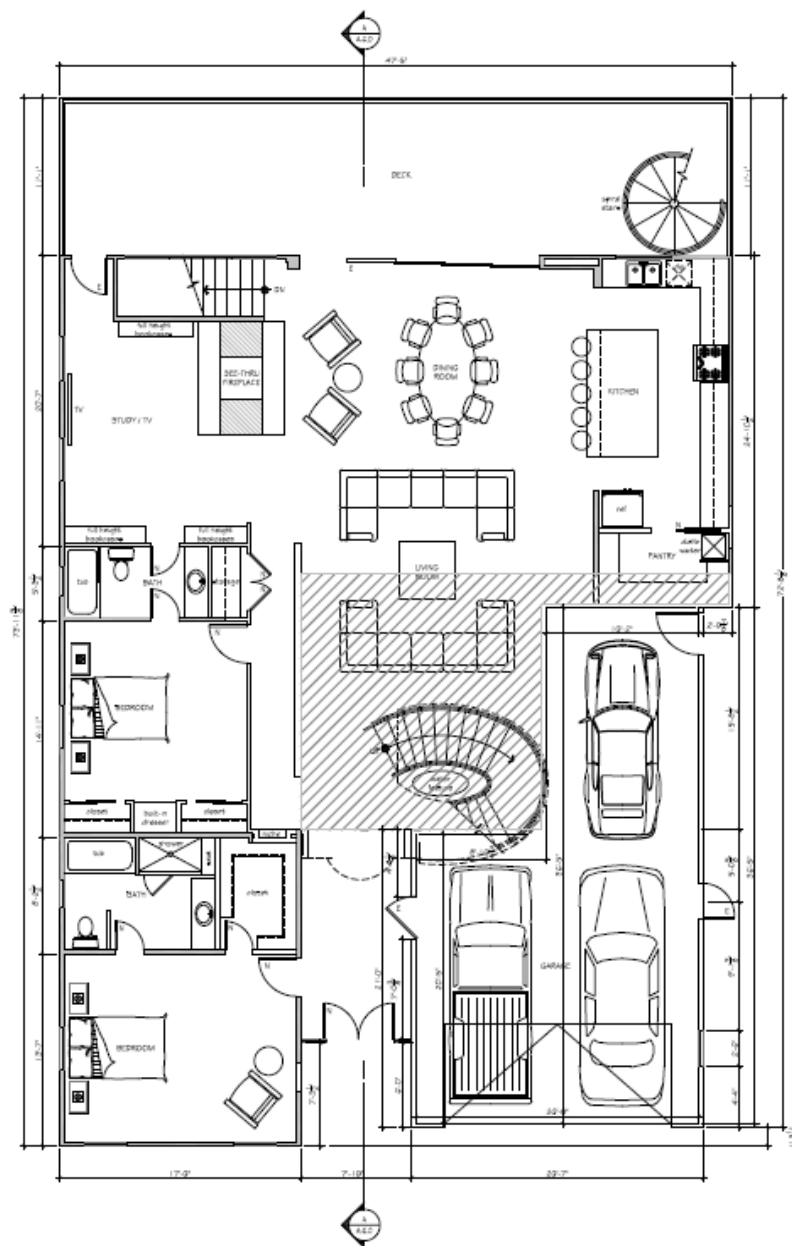






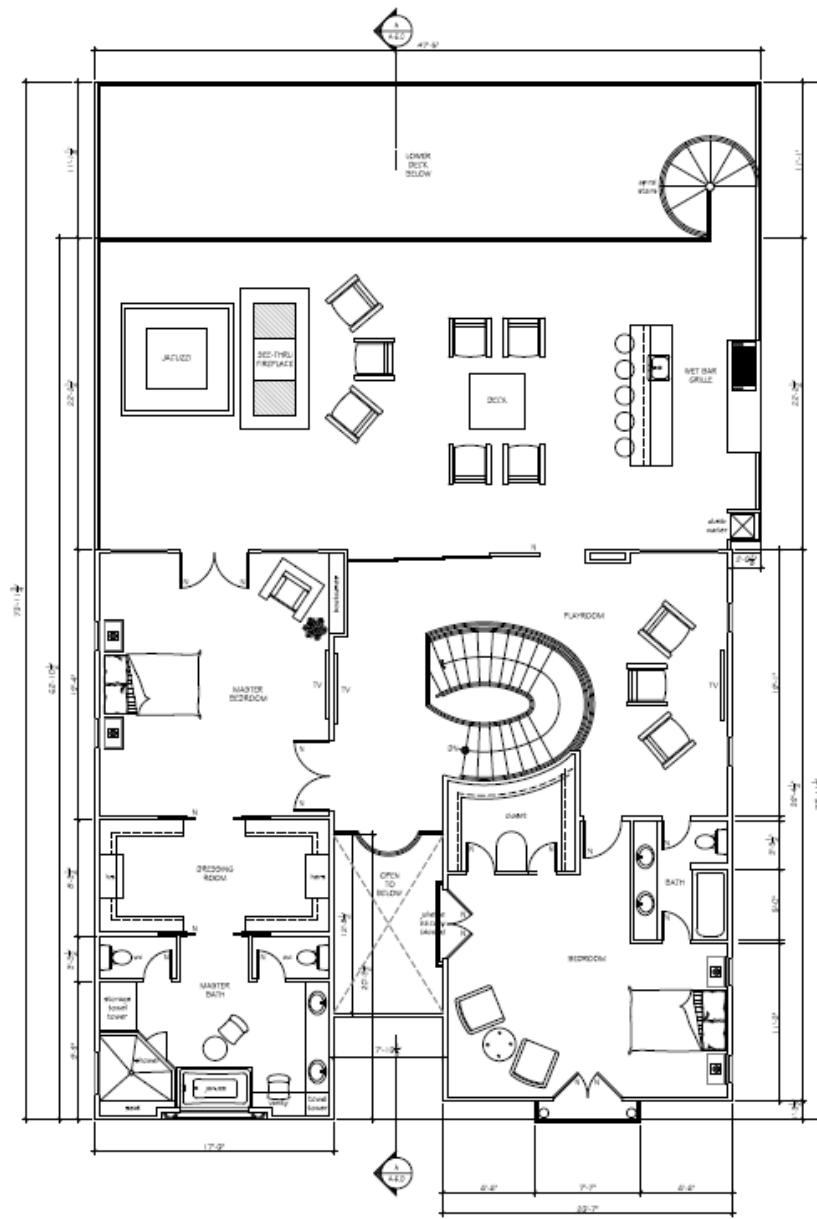
# Lower Level





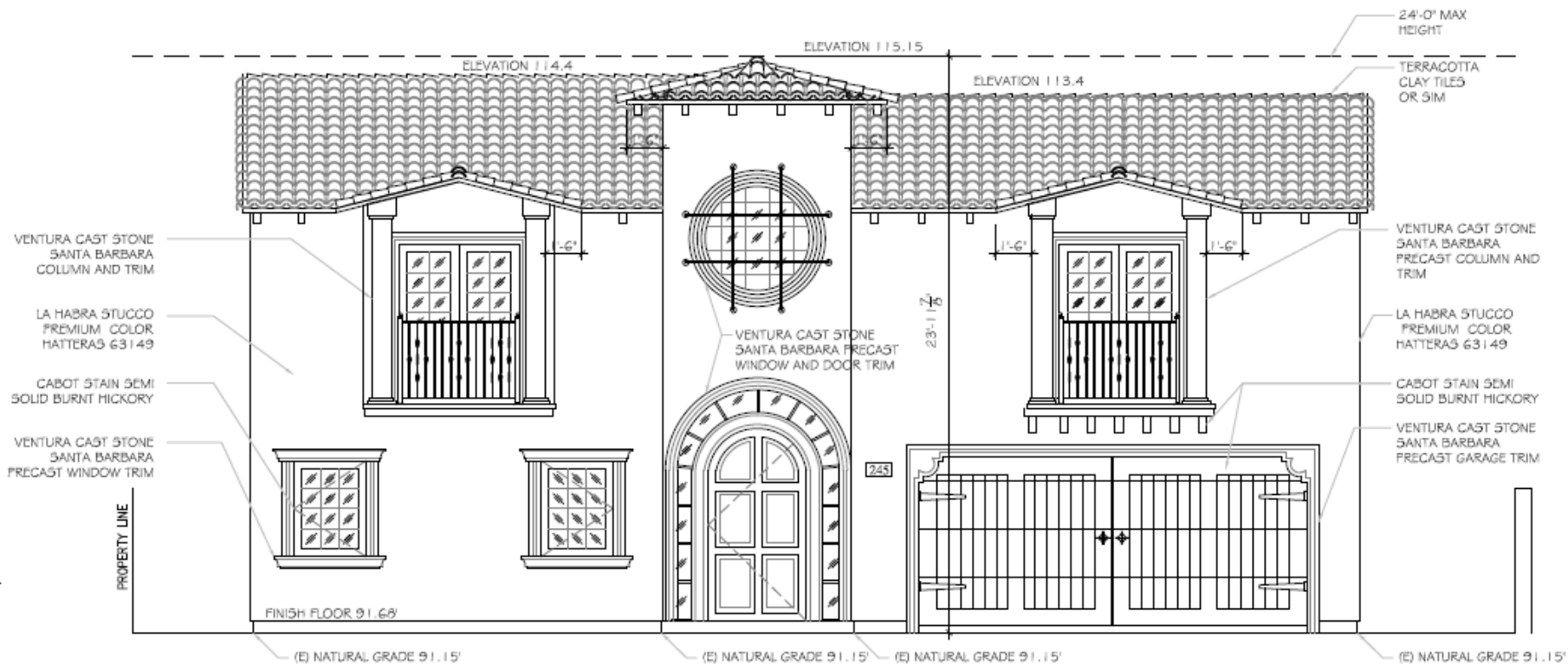
**First Floor-Entry Level**





# Second Level

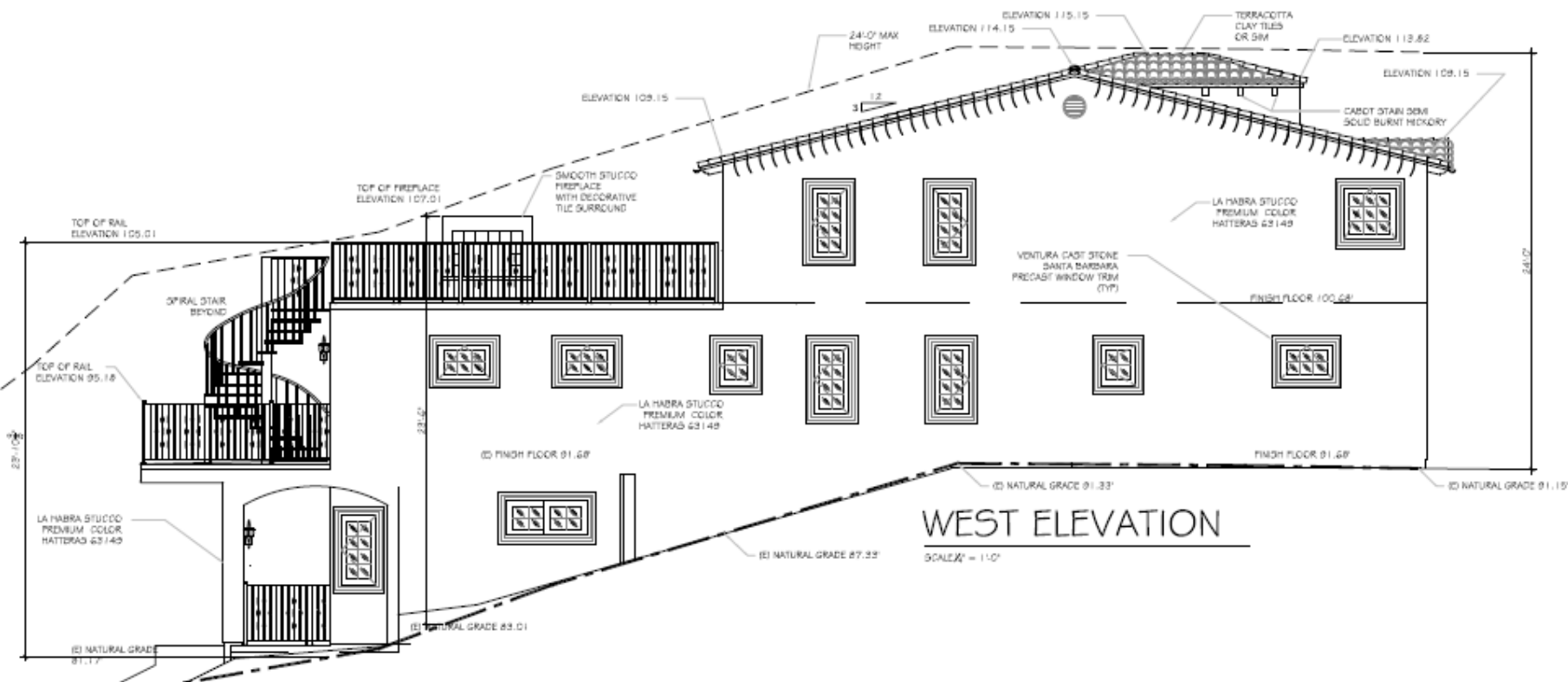




## SOUTH ELEVATION

SCALE 1/4" = 1'-0"







**Cornerstone Securities Residential Addition  
VA2012-001 (PA2012-027)  
245 Evening Canyon**

- Required setback would not allow addition to use existing wall for structural support
- Required setback would cause additional reconstruction or demolition of existing structure
- Adequate light and air is provided between abutting properties.
- Project complies with all other development standards such as height, parking, design standards, canyon development string lines, etc.

## **Variance Findings**



- End



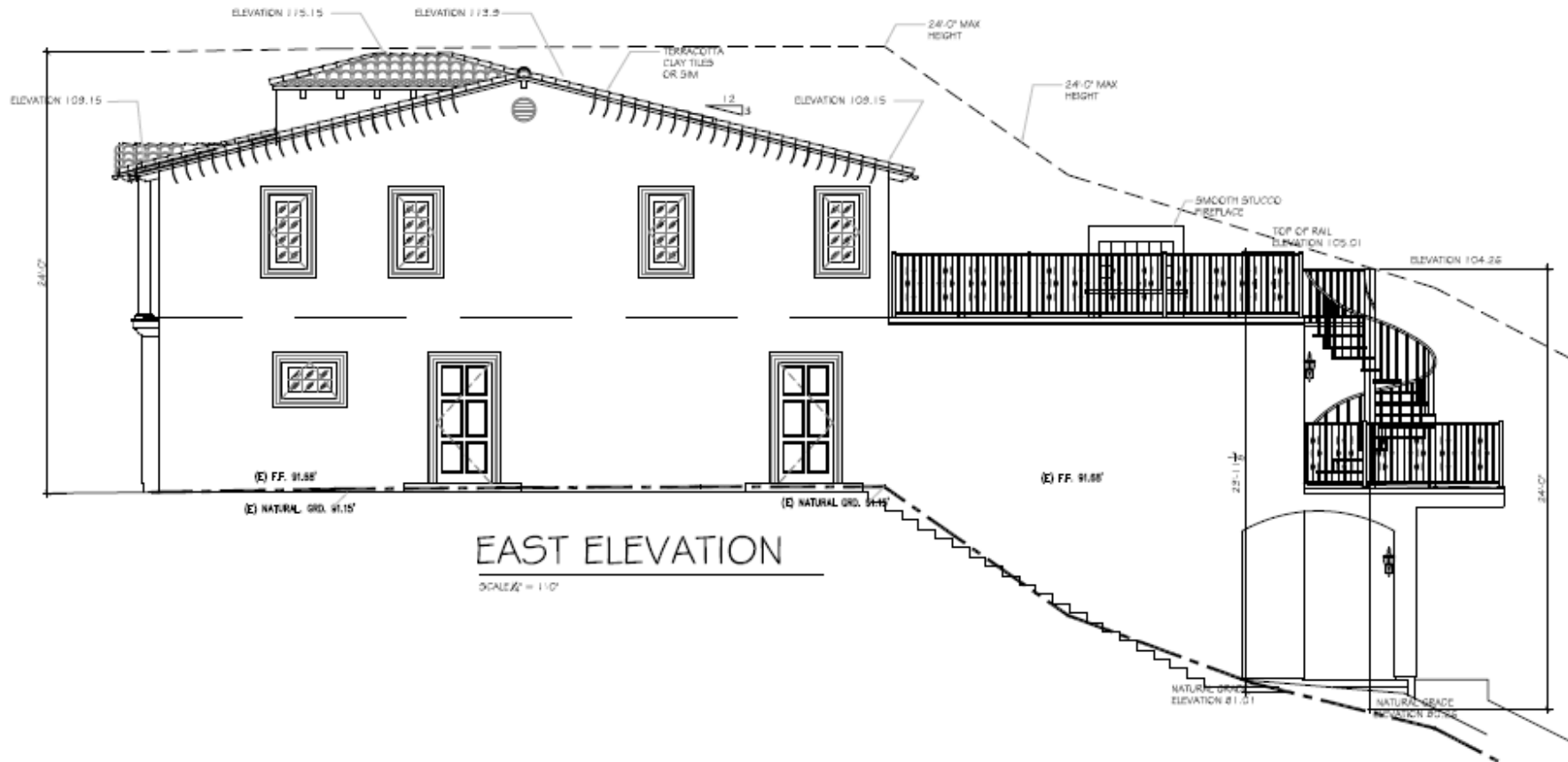
- Four comment letters have been received from the public including two from the Shore Cliff Property Owner's Association.
- A variance for the size of the addition to the nonconforming structure is not necessary if the side yard variance is granted.
- An updated draft resolution has been provided to clarify this.

## **Updates**

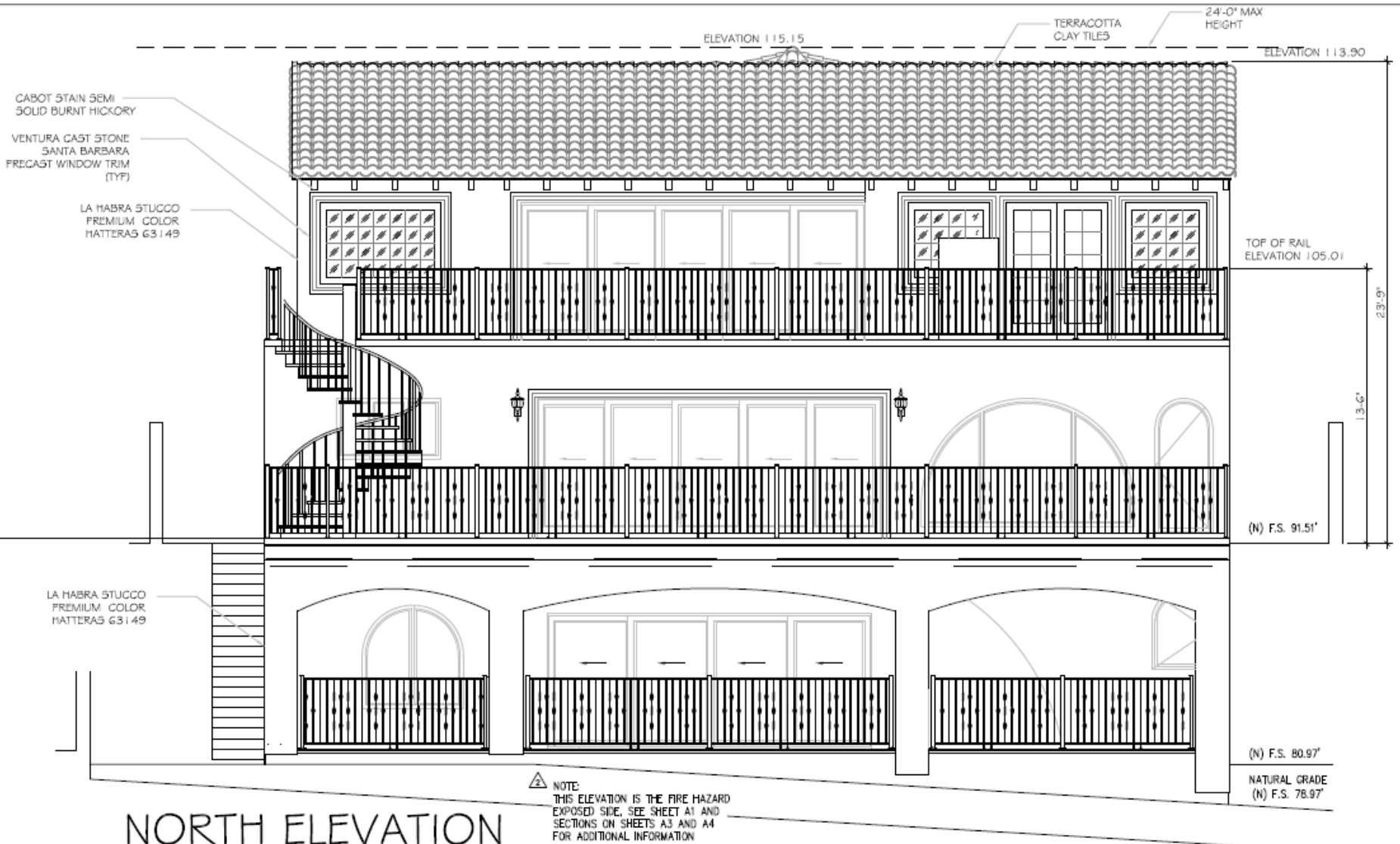












# NORTH ELEVATION

SCALE 1/4" = 1'-0"





**Lower Level Lanai**





**Rear Deck Facing Buck Gully**





# Land Use and Zoning